INDIAN STATUTORY COMMISSION

VOLUME I

Report

of the

Indian Statutory Commission

Volume 1—Survey

CALCUTTA: GOVERNMENT OF INDIA
CENTRAL PUBLICATION BRANCH
1930

Price 3s. or Rs. 2.

INDIAN STATUTORY COMMISSION.

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See also

(1) Report of the Indian Central Committee—issued as Command Paper No. 3451 of 1929; and

Supplementary Note by Dr. A. Suhrawardy, M.L.A.—issued as Command Paper No 3525 of 1930.

(2) Review of Growth of Education in British India by the Auxiliary Committee appointed by the Commission—issued with Interim Report by the Commission as Command Paper No. 3407 of 1929.

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The total cost of Statutory Commission is estimated to be about 146 thousand pounds sterling, exclusive of the cost of the Auxiliary Committee on Education and of the Indian Central Committee and Provincial Committees.

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NOTE.

At the present par value of the rupee (1/6d.), one crore of rupees (equal to 100 lakhs of rupees) is equivalent to £750,000.

ROYAL WARRANT.

GEORGE R.I.

GEORGE THE FIFTH, by the Grace of God, of Great Britain, Ireland and the British Dominions beyond the Seas King, Defender of the Faith, Emperor of India, to

Our Right Trusty and Well-Beloved Counsellor Sir John Allsebrook Simon, Knight Commander of the Royal Victorian Order, Officer of Our Most Excellent Order of the British Empire;

Our Right Trusty and Well-Beloved Cousin Harry Lawson Webster, Viscount Burnham, Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George, Member of the Order of the Companions of Honour, upon whom We have conferred the Territorial Decoration;

Our Right Trusty and Well-Beloved Donald Sterling Palmer, Baron Strathcona and Mount Royal;

Our Trusty and Well-Beloved Edward Cecil George Cadogan, Esquire (commonly called the Honourable Edward Cecil George Cadogan), Companion of Our Most Honourable Order of the Bath;

Our Right Trusty and Well-Beloved Counsellor Stephen Walsh;

Our Right Trusty and Well-Beloved Counsellor George Richard Lane Fox, Honorary Colonel, the Yorkshire Hussars Yeomanry, upon whom We have conferred the Territorial Decoration;

Our Trusty and Well-Beloved Clement Richard Attlee, Esquire, Major, late South Lancashire Regiment;

Greeting!

WHEREAS We have deemed it expedient that the Commission for which provision is made in Section 84A of the Government of India Act should forthwith be appointed for the purpose of inquiring into the working of the system of government, the growth of education, and the development of representative institutions, in British India, and matters connected therewith, and should report as to whether and to what extent it is desirable to establish the principle of responsible government, or to extend, modify, or restrict the degree of responsible government then existing therein, including the question whether the establishment of second chambers of the local legislatures is or is not desirable:

NOW KNOW YE that We, reposing great trust and confidence in your knowledge and ability, have on the advice of Our Secretary of State for India acting with the concurrence of both Houses of Parliament authorised and appointed, and do by these

Presents authorise and appoint you, the said Sir John Allsebrook Simon (Chairman); Harry Lawson Webster, Viscount Burnham; Donald Sterling Palmer, Baron Strathcona and Mount Royal; Edward Cecil George Cadogan; Stephen Walsh; George Richard Lane Fox and Clement Richard Attlee to be Our Commissioners for the purposes aforesaid :

AND for the better effecting of the purposes of this Our Commission, We do by these Presents give and grant unto you, or any three or more of you, full power at any place in Our United Kingdom or in India or elsewhere in Our Dominions to call before you such persons as you shall judge likely to afford you any information upon the subject of this Our Commission : and also whether in Our said Kingdom, or in India, or elsewhere in Our Dominions to call for information in writing; to call for, have access to and examine all such books, documents, registers and records as may afford you the fullest information on the subject, and to inquire of and concerning the premises by all other lawful ways and means whatsoever, including the appointment by the Commission with the sanction of Our Secretary of State for India, of any person or persons to make subordinate enquiries and to report the result to the Commission :

AND We do by these Presents authorise and empower you or any of you to visit and inspect personally such places as you may deem it expedient so to inspect for the more effectual carrying out of the purposes aforesaid :

AND We do by these Presents will and ordain that this Our Commission shall continue in full force and virtue, and that you, Our said Commissioners, or any three or more of you, may from time to time proceed in the execution thereof, and of every matter and thing therein contained, although the same be not continued from time to time by adjournment :

AND We do further ordain that you, or any three or more of you, have liberty to report your proceedings under this Our Commission from time to time if you shall judge it expedient so to do :

AND Our further will and pleasure is that you do, with as little delay as possible, report to Us under your hands and seals, or under the hands and seals of any three or more of you, your opinion upon the matters herein submitted for your consideration :

GIVEN at Our Court at *Saint James's* the *Twenty-sixth* day of *November*, One thousand nine hundred and twenty-seven; in the Eighteenth Year of Our Reign.

By His Majesty's Command.
W. Joynson-Hicks.

GEORGE, R.I.

GEORGE THE FIFTH, by the Grace of God, of Great Britain, Ireland and the British Dominions beyond the Seas King, Defender of the Faith, Emperor of India, to

Our Right Trusty and Well-Beloved Counsellor Vernon Hartshorn, Officer of Our Most Excellent Order of the British Empire,

Greeting!

WHEREAS We did by Warrant under Our Royal Sign Manual bearing date the Twenty-sixth day of November, One thousand nine hundred and twenty-seven, appoint Commissioners for the purpose of inquiring into the working of the system of government, the growth of education, and the development of representative institutions, in British India, and matters connected therewith, and of reporting as to whether and to what extent it is desirable to establish the principle of responsible government, or to extend, modify, or restrict the degree of responsible government then existing therein, including the question whether the establishment of second chambers of the local legislatures is or is not desirable;

AND WHEREAS a vacancy has been caused in the body of Commissioners appointed as aforesaid, by the resignation of Our Right Trusty and Well-Beloved Counsellor Stephen Walsh;

NOW KNOW YE that We reposing great confidence in your knowledge and ability have on the advice of Our Secretary of State for India acting with the concurrence of both Houses of Parliament authorised and appointed and do by these Presents authorise and appoint you the said Vernon Hartshorn to be one of Our Commissioners for the purposes aforesaid, in the room of the said Stephen Walsh, who has resigned.

GIVEN at Our Court at Sandringham; the *Seventh* day of *December*, One thousand nine hundred and twenty-seven; in the Eighteenth year of Our Reign.

By His Majesty's Command.
W. Joynson-Hicks

NOTE.—The late Mr. Stephen Walsh's resignation, on account of ill-health, took place before any meeting of the Commission had been held.

INDIAN STATUTORY COMMISSION.

REPORT.

To

THE KING'S MOST EXCELLENT MAJESTY.

May it Please Your Majesty,

We, the Commissioners appointed for the purpose of inquiring into the working of the system of government, the growth of education, and the development of representative institutions in British India, and matters connected therewith, and of reporting as to whether and to what extent it is desirable to establish the principle of responsible government, or to extend, modify, or restrict the degree of responsible government existing therein, including the question whether the establishment of second chambers of the local legislatures is or is not desirable; humbly submit to Your Majesty the following Report.

Our Report is unanimous on all fundamental matters, and will be found to be without dissenting minute.

It is, as is more fully explained on pages 5-9 below, divided into two volumes.

Section 84A of the Government of India Act prescribes that :—

(1) Within* ten years after the passing of the Government of India Act, 1919, the Secretary of State with the concurrence of both Houses of Parliament shall submit for the approval of His Majesty the names of persons to act as a commission for the purposes of this section.

(2) The persons whose names are so submitted, if approved by His Majesty, shall be a commission for the purpose of inquiring into the working of the system of government, the growth of education, and the development of representative institutions, in British India, and matters connected therewith, and the commission shall report as to whether and to what extent it is desirable to establish the principle of responsible government, or to extend, modify, or restrict the degree of responsible government then existing therein, including the question whether the establishment of second chambers of the local legislatures is or is not desirable.

(3) The commission shall also inquire into and report on any other matter affecting British India and the provinces, which may be referred to the commission by His Majesty.

It is in pursuance of this section of the Statute that we were appointed, and our terms of reference, set forth in the Royal Warrant, follow the provisions of its second subsection.

Your Majesty's Government, in announcing the decision that the Statutory Commission should be appointed, made the following statements :—

† His Majesty's Government cannot of course dictate to the Commission what procedure it shall follow, but they are of opinion that its task in taking evidence would be greatly facilitated if it were to invite the Central Legislature to appoint a Joint Select Committee chosen from its elected and nominated unofficial members which would draw up its views and proposals in writing and lay them before the Commission for examination in such

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* The word "Within" was substituted for "At the expiration of" by the Government of India (Statutory Commission) Act, 1927.

† See Cmd. 2986 of 1927.

manner as the latter may decide. This Committee might remain in being for any consultation which the Commission might desire at subsequent stages of the enquiry. It should be clearly understood that the purpose of this suggestion is not to limit the discretion of the Commission in hearing other witnesses.

His Majesty's Government suggest that a similar procedure should be adopted with the provincial legislatures.

* * * *

When the Commission has reported and its report has been examined by the Government of India and His Majesty's Government it will be the duty of the latter to present proposals to Parliament. But it is not the intention of His Majesty's Government to ask Parliament to adopt these proposals without first giving a full opportunity for Indian opinion of different schools to contribute its view upon them. And to this end it is intended to invite Parliament to refer these proposals to consideration by a Joint Committee of both Houses and to facilitate the presentation to that Committee both of the views of the Indian Central Legislature by delegations who will be invited to attend and confer with the Joint Committee and also of the views of any other bodies whom the Joint Parliamentary Committee may desire to consult.

We paid two visits to India, the first lasting from 3rd February, 1928, to 31st March, 1928, and the second from 11th October, 1928, to 13th April, 1929.

Our first task, on arrival in India, was to formulate our procedure, in the light of the suggestions of Your Majesty's Government quoted above. In a letter from our Chairman to His Excellency the Viceroy, dated 6th February, 1928, which we reproduce, we proposed the method of "Joint Free Conference."

Your Excellency,

In your speech to the Central Legislature on Thursday you laid renewed emphasis on the 'full discretion as to methods' which has from the beginning been left in the hands of the Indian Statutory Commission; and I myself, as Chairman, on landing in India next day, authorised the issue of a statement on behalf of the Commission, that it hoped without delay to announce the line of procedure which it would propose to follow. Evidence accumulates that throughout India there is much uncertainty as to the manner in which we may be expected to exercise our functions, and even considerable misunderstanding as to what we conceive those functions to be; while—amidst many messages of welcome and encouragement—we note that speeches are being made and resolutions passed which are based on a complete, though doubtless genuine, misconception of our intentions. It is my plain duty, therefore, as Chairman to set out forthwith the true position as we regard it, and, since on this preliminary visit there is not likely to be any formal sitting of the Commission when the statement could be made, I venture to address this letter to your Excellency.

We understand that the Government of India and the Local Governments have been engaged for some time past in preparing the material which they might put before the Commission. We have not seen these documents and do not know how far they may consist of matters of fact and how far of matters of opinion, or whether they deal with past events or with suggestions for the future. But whatever they are, instead of dealing with them by ourselves, we wish to propose that they, and the evidence given in explanation or amplification of them, should come before a 'Joint Free Conference', over which I should preside, consisting of the seven British Commissioners and a corresponding body of representatives chosen by the Indian Legislatures (just as we ourselves have been chosen by the British Parliament).

We put forward the plan of a 'Joint Free Conference' not only because we should welcome the assistance of colleagues from the Indian Legislatures, but because we think it is only right and fair, and in the truest interests of India and Britain alike, that opportunity should be provided for such memoranda and testimony to be scrutinized and, if necessary, elucidated from the Indian side on free and equal terms. We suggest therefore that the two Houses of the Central Legislature should in due course be invited to choose from their non-official members a Joint Committee, which might conveniently be seven in number, and that each Local Legislative Council should be asked to constitute a similar body. The Indian side of the Conference would consist, when Central subjects were being dealt with, of those first named; in a Province, the Indian wing would primarily consist of the Provincial members, but, in order that the Central Joint Committee may not have a partial view of the material put before it, we should be glad if arrangements could be arrived at which would enable its members, or some of them, to be present as an additional element at provincial sittings.

We have no wish to dictate the composition of the Indian wing of the Conference in more detail, and we should greatly prefer that the precise scheme should be reached by agreement between the different elements in India concerned. Our main object will be met so long as the arrangement is one which secures that the Indian side of the Joint Conference includes, on appropriate occasions, those who are able to speak for the Provincial Councils just as the Joint Committee would speak for the Central Legislature, and so long as the members representing India sitting with us do not amount to an unwieldy number. We assume of course that, just as we ourselves are a body selected from all British parties and both Houses of Parliament, so our Indian counterpart would be, so far as may be, truly representative.

Two matters remain to be dealt with—the question of evidence other than that above referred to, and the question of Report. I wish to deal candidly and clearly with both.

Some of us have had considerable experience of the method of Joint Conference as applied both to industrial and political questions, and it is quite clear to us that each side of the Conference will require, from time to time, to meet by itself. We see no reason, however, why evidence from public and representative bodies, and from individuals, should not normally be given to the Conference as a whole, just as evidence presented by or on behalf of the various Governments would be. If a case arises when this general plan cannot be followed, I should make no secret of it, and should ask my colleagues in the Joint Free Conference, when, as I hope, they learn to have faith in my sense of fairness, to accept from me such account of the matter as I can give them on behalf of the Commission, with due regard to the reason why the testimony has been separately received. I imagine that the Indian side may find occasions when they would think it well to act in the same way.

As regards the Report, it is, I feel, necessary to restate the true function of the Commission and its place in the general scheme which you announced last November. The Commission is in no sense an instrument either of the Government of India or of the British Government, but enters on the duty laid upon it by the King Emperor as a completely independent and unfettered body composed of Members of Parliament who approach Indian Legislators as colleagues. It is not an executive or legislating body, authorised to pronounce decisions about the future government of India. Before these decisions can be reached, the full process, of which the present investigation is a first step, must be completed, including the opportunity for the views of the Indian Legislature, amongst other bodies, being presented by delegations in London to the Joint Parliamentary Committee. The present Commission is only authorised to report and make recommendations, and in this Report we desire to include a faithful account of the opinions and aspirations prevalent in India, and of the concrete proposals for constitu-

tional reform so far as these are put before us. The British Commissioners, therefore, are bound to be solely responsible for the statement of the effect upon their own minds of the investigation as a whole. We *shall* report to the authority by which we have been constituted just as (if *the* Conference is set up) the Joint Committee would, we presume, be entitled *to* report its conclusions to the Central Legislature. It is obvious that those documents should be prepared and presented simultaneously. There are well known constitutional means by which the document emanating from the Joint Committee and presented to the Central Legislature can be forwarded to and made available for the British Parliament. But, if the Indian Joint Committee would prefer it, we would make its Report an annexe to our own document, so that both might be presented to the King Emperor, and made public, at the same moment.

Above all, I would urge that one of the merits of the method of Joint Conference is that, besides securing due recognition of equal status, it provides the opportunity for that free exchange of views and mutual influence which are best calculated to promote the largest measure of agreement that is possible.

Our present visit is preliminary and the sittings of the Joint Free Conference, if it is set up, would not begin till October. But we make public our suggestions at once, not only in order to clear the air, but in order to show ourselves available for any conference about any matters of procedure which this statement does not adequately cover.

The Commission is, of course, bound to carry through its task in any event and discharge to the full the duty cast upon it, but we are undertaking this duty only after having made it known that the method of collaboration on honourable and equal terms is open, and that we put it forward in all sincerity and good will. We will only add that in making these proposals we are confident that we are correctly interpreting the intentions of the British Parliament.

The carrying out of our proposals will require, at a later date, that the Council of State, the Legislative Assembly, and the Local Legislative Councils should be moved to elect their representatives who would take part in the Joint Conference, and the Commission will be glad if the Government of India will take such steps as seem appropriate for this purpose in due course.

I have the honour to be,
Your Excellency's obedient servant,
(Sd.) JOHN SIMON.

It will be seen that Joint Conferences were not to begin till our second visit.

Although we received numerous deputations which laid their views before us, we took no evidence on our first visit, which was mainly devoted to attempting to master the elements of the situation, and to visiting more of the country districts (particularly in the Madras Presidency and the Punjab) than was possible on the second visit. We travelled in India about 7,000 miles on this preliminary visit.

Before leaving India on the first occasion, we invited the submission of memoranda, both from official and non-official sources, on questions falling within the scope of our enquiry. The Governments, both Central and Provincial, had of course already been engaged on the preparation of material. We received from the Government of India (and also from officials of the India Office) descriptive and explanatory memoranda which are published in Volumes IV and V supplementary to our

Report. Each Provincial Government supplied us with elaborate memoranda, both expository and critical, on the working of the reformed constitution; and also (except in the case of the Government of the Central Provinces) furnished us, at our request, with their suggestions as regards future developments. The material so provided by the nine Provincial Governments will be found in Supplementary Volumes VI to XIV. We also received large numbers of memoranda from non-officials, both representative associations and individuals. A selection of the more important of these is contained in Supplementary Volumes XVI and XVII.

Before we arrived in India for our second visit, all the Provincial Legislatures, except those of Burma and the Central Provinces, had appointed Committees to collaborate with us in Joint Conference as we had proposed. The Burma Legislative Council appointed a Committee in December, 1928. No Committee was appointed by the Central Provinces Legislature.

The Council of State elected three members of its body in pursuance of the invitation in our letter of 6th February, 1928. The Legislative Assembly had by a small majority decided not to co-operate with the Commission. Shortly before our second arrival, the Viceroy appointed an Indian Central Committee consisting of these three members and another member of the Council of State, and five members of the Legislative Assembly, to work with us.

The Indian Central Committee received the whole of the written material which was supplied to us, and each Provincial Committee was furnished with all the documents relating to its own province and also with any of a general nature which were directly relevant to provincial questions in every province alike.

The Punjab Committee, which was the first appointed, had represented that it would be difficult for them to discharge their task if—as was suggested in the letter of 6th February might occasionally happen—any evidence was given to the Statutory Commission alone. The Commission accepted the force of this contention, and the following procedure was adopted in each Governor's Province. All evidence was taken by the Joint Conference, composed of the Statutory Commission, the Indian Central Committee and the Provincial Committee† sitting together, every member of which shared in the work of examining witnesses. Evidence was taken by the Conference, in the presence of the press, both from officials in explanation or expansion of the material supplied by their Government, and also from those associations, representative bodies, and private individuals, whom the Conference invited to supplement,

† As explained, the Joint Conference, when sitting in the Central Provinces, did not include any Provincial Committee.

in this manner, the views which they had already expressed to the Commission in writing.

The Joint Conference also had the great advantage in all provinces of having interviews with the Members and Ministers of the provincial Government, who were good enough to develop for the benefit of the Conference, in amplification of the written suggestions of the Government, their own personal views as regards constitutional changes.

Evidence was taken in the North-West Frontier Province by a Joint Conference of the Commission and the Indian Central Committee, assisted by four distinguished Indians resident in the Province whom the Commission had invited to sit with them.

Non-official evidence from associations of an All-India character was taken at whatever centre was the most convenient, usually either at Delhi or Calcutta.

At Delhi, where Central matters were under consideration, the Joint Conference consisted of the Commission and the Indian Central Committee. Evidence was taken from officials of the Government of India by way of supplement to the descriptive material supplied.

Members of the Governor-General's Executive Council were good enough to express to the Joint Conference their own personal views on some of the aspects of constitutional reform.

Shortly before we left India, a final conference was held for 3 days at Delhi of all the eight Provincial Committees, the Indian Central Committee and the Statutory Commission sitting together.

Between our arrival in India on our second visit and our departure, we travelled about 14,000 miles. Evidence was taken, on 75 days in all, at the following places :—Poona, Lahore, Karachi, Peshawar, Delhi, Lucknow, Patna, Shillong, Calcutta, Rangoon, Mandalay, Madras and Nagpur. We have also visited many other areas besides these principal towns and have done our utmost to make ourselves more familiar with various parts of British India. We cannot refrain here from recording an expression of our gratitude for the overwhelmingly generous hospitality which we received both from Indians and Europeans throughout our stay in India.

On our return to England further sittings of the Joint Conference were held, after the general election, between 19th June and 30th July, 1929. The Indian Central Committee had come to this country for the purpose. The Conference heard, *inter alia*, the personal views of some officials of the India Office and Members of the Secretary of State's Council. It also took evidence from the High Commissioner for India and from a representative of the War Office.

Extracts from the more important portions of evidence given in the presence of the press are contained in Supplementary Volumes XV, XVI and XVII.*

The Report of the Indian Central Committee has already been presented to Parliament (Cmd. 3451 of 1929). The Reports of the Provincial Committees have been made public in India. They are collected in Volume III, which will, it is understood, be presented to Parliament simultaneously with our Report.

The collaboration of the Indian Committees, both Central and Provincial, has been of very great assistance to us in the discharge of our own task. Quite apart from the great value of now having their recommendations embodied in their separate reports, we secured, by their cooperation in the examination of material and in the taking of evidence, a testing of its value of the most thorough kind, and illumination on the matters under consideration from many angles.

We have also derived very great advantage from the Review of the Auxiliary Committee on Education which we appointed, under the powers conferred on us in the Royal Warrant, to enquire into the growth of Education in British India (see page 378 below). This report has already been presented to Parliament, under cover of an Interim Report by the Commission, as Cmd. 3407 of 1929.

As our enquiry drew to a close we were increasingly impressed by the impossibility of considering the constitutional problems of British India without taking into account the relations between British India and the Indian States. Before proceeding with the task of formulating our conclusions, we accordingly ascertained that Your Majesty's Government would approve if we gave a possibly extended interpretation to our terms of reference by not excluding this aspect from our purview.

At the same time we suggested that the procedure to be followed after our Report had been published (which had been outlined in the announcement by Your Majesty's Government in 1927 quoted above) should be revised and a Conference set up.

Our suggestions and the Government's acceptance of them, are set out in the following letters exchanged between the Prime Minister and our Chairman.

16th October, 1929.

My dear Prime Minister,

The Indian Statutory Commission has now entered upon the final stages of its work and hopes to be able to present its Report early next year. Before proceeding further however, we desire to address you with an enquiry and a suggestion.

As our investigation has proceeded, we have become more and more impressed, in considering the direction which the future constitutional

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* We have suggested that a copy of the remainder of such evidence and of the non-official memoranda not printed in Vols. XVI and XVII should be made available for inspection in London and in India, and we understand that this will be done.

development of India is likely to take, with the importance of bearing in mind the relations which may develop between British India and the Indian States. We are not at present in the position to forecast the Report which we shall hope in due course to present to Parliament. It is, however, already evident to us that, whatever may be the scheme which Parliament will ultimately approve for the future constitution and governance of British India, it is essential that the methods by which the future relationship between these two constituent parts of Greater India may be adjusted, should be fully examined.

We have carefully considered the Report of the Butler Committee* but the terms of reference to that body did not cover the whole ground to be surveyed so far as these relations are concerned. Our own recommendations, if we were to exclude from our purview the wider problem which we have indicated, would, we feel, be unduly restricted, and we therefore wish, before going further, to ascertain whether we should have the approval of His Majesty's Government in giving this possibly extended interpretation to our own terms of reference. It is not our purpose to seek to explore the field already traversed by the Butler Committee; but it seems clear that we cannot afford to ignore the reactions of the presence of the States on the problem we are studying in British India, or the possible repercussions on the former of any recommendations we might frame regarding the latter. At certain points an inevitable contact takes place.

We venture to point out that if the Report we are preparing and the proposals to be subsequently framed by the Government take this wider range it would appear necessary, because of the need of consulting the States, for the Government to revise the scheme of procedure to be followed after these proposals are made known. It seems to us that what would be required would be the setting up of some sort of conference after the Reports of the Statutory Commission and the Indian Central Committee have been made, considered and published and their work has been completed, and that in this conference His Majesty's Government would meet both representatives of British India and representatives of the States (not necessarily always together) for the purpose of seeking the greatest possible measure of agreement for the final proposals which it would later be the duty of His Majesty's Government to submit to Parliament. The procedure by Joint Parliamentary Committee conferring with delegations from the Indian Legislature and other bodies, which was previously contemplated and is referred to in my letter to the Viceroy of February 6th, 1928, would still be appropriate for the examination of the Bill when it is subsequently placed before Parliament, but would, we think, obviously have to be preceded by some such conference as we have indicated.

We realise that it is not for the Statutory Commission to devise this subsequent procedure in detail, for our task will be discharged when we have reported. But we feel that it is desirable to obtain an assurance from His Majesty's Government that we shall not in their view be travelling beyond the terms of reference approved by Parliament if we pursue what seems to us an integral element in our investigation. We have also thought it right to make plain to His Majesty's Government the consequence that such an assurance from His Majesty's Government is likely ultimately to involve, in order that the future course of procedure may be so shaped as to provide means for consulting with the Indian States and to promote the full co-operation of all parties and interests in the solution of the Indian problem as a whole.

Yours very sincerely,

(Sd.) JOHN SIMON.

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* See page 83.

25th October, 1929.

My dear Simon,

Your letter on behalf of the Statutory Commission raises issues of such importance that I have thought right before answering it to consult the leaders of other Parties. I have now been able to ascertain their views, and they have been good enough to concur in the terms of my reply.

His Majesty's Government welcome the intimation that your letter affords of the Statutory Commission's desire to deal in its report with the wider aspects of the subject to which your letter directs attention. It appears to His Majesty's Government, as it does to those on behalf of whom you write, that your work would necessarily be rendered more complete if it included a careful examination of the methods by which the future relationship of British India and the Indian States may be adjusted.

His Majesty's Government have given full consideration to what you have said in your letter concerning the consequential necessity of some revision of the later procedure as at present contemplated, and I am glad to be able to inform you that they concur in the view that you have expressed. His Majesty's Government are, with you, deeply sensible of the importance of thus bringing the whole problem under comprehensive review; and that under conditions which may promise to secure as great a degree of unanimity as may be practicable. His Majesty's Government are also greatly concerned to find means by which they may approach the treatment of the broad question of British-Indian constitutional advance in co-operation with all those who can authoritatively speak for British-Indian political opinion. It seems to them that both these objects can best be achieved by the adoption of procedure that will permit the free representation of all points of view in advance of the stage at which His Majesty's Government will lay any proposals before Parliament, which may be expected later, as you point out, to form the subject of examination by a Joint Parliamentary Committee. When, therefore, your Commission has submitted its Report and His Majesty's Government have been able, in consultation with the Government of India, to consider these matters in the light of all the material then available, they will propose to invite representatives of different parties and interests in British India and representatives of the Indian States to meet them, separately or together, as circumstances may demand, for the purpose of conference and discussion in regard both to the British-Indian and All-Indian problems.

It will be their earnest hope that by this means it may subsequently prove possible on these grave issues to submit definite proposals to Parliament which may command a wide measure of general assent.

With my best wishes for the success of your further labours.

Yours very sincerely,

(Sd.) J. RAMSAY MACDONALD.

ACKNOWLEDGMENTS.

We especially wish to put on record our debt to the Secretariat of the Commission. Mr. J. W. Bhore,* C.I.E., C.B.E., I.C.S., and Mr. S. F. Stewart, C.S.I., C.I.E., have acted jointly as our principal Secretaries, and Mr. R. H. A. Carter and Mr. E. W. Perry, I.C.S., as principal Assistant Secretaries. Throughout all the stages of our enquiry and in preparing the Report itself, their knowledge and experience have been invaluable. In the course of an investigation which has extended over two-and-a-half years, and which has involved the examination of an enormous range of documents and the analysis of nearly a hundred days of evidence, these gentlemen have rendered ungrudging service of the highest quality, without which it would have been quite impossible for the task to be thus completed. We also wish specially to mention the untiring aid rendered by Mr. R. J. Stopford of our Secretarial staff.

We have already referred to the valued help which we received from our Auxiliary Committee on Education. We desire to express our grateful acknowledgments to its Chairman, Sir Philip Hartog, C.I.E., and his colleagues.

Mr. W. T. Layton, C.H., C.B.E., with much public spirit, responded to the Commission's appeal to assist one part of its work by accompanying it to India and acting as Financial Assessor. We are greatly indebted to him for his guidance, and, as will appear in our second volume, our recommendations on the financial side owe much to the elaborate report which he has prepared for us. Associated more particularly with this compartment of our Report is the valuable service rendered by Mr. B. Rama Rau, I.C.S., who was attached to the Commission for financial duties.

Had it been possible, we should have liked to mention by name more of the staff of helpers in India and in England who have so cheerfully and efficiently carried through their share of the work. A complete list is impossible, and selection would be invidious, where all have done so well. But we should not like to omit from special mention the name of Mr. A. J. Parker, the head of our shorthand staff.

We now pass to the first volume of our Report, which will be followed shortly by the second volume which will contain our recommendations.

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* Mr. Bhore had to give up his appointment in February, 1930, on his selection to be a member of the Council of the Governor-General.

INTRODUCTION.

1. Twelve years ago, in April, 1918, the Montagu-Chelmsford Report was signed. Its joint authors, in the first chapter of that document, declared that the announcement made by Mr. Montagu on 20th August, 1917, to the House of Commons was "the most momentous utterance ever made in India's chequered history." This claim is justified. As the situation is reviewed after that interval it is manifest that this pronouncement supplies the governing conditions to be observed and satisfied by any and every scheme for India's future constitutional progress. Every circumstance was present which could add weight and authority to the declaration. Its terms were settled by a Coalition Cabinet—it is interesting to note that it was Lord Curzon's pen which inserted in the formula the reference to "responsible government."* The British Parliament accepted the statement as made not merely by the particular Administration then in office, but as a pledge and assurance offered to India by Britain herself. No challenge was issued by any Party in the State. After Mr. Montagu had returned from India with the Report drawn up by himself and the then Viceroy, indicating how the first step in implementing this declaration should be taken, the Government of India Bill of 1919 was introduced, and was passed by both Houses of Parliament without a division being challenged at any cardinal stage. The Joint Select Committee of both Houses appointed to consider the Bill (after it had been read a second time in the House of Commons by general consent) reported that the plan proposed by the Bill interpreted the pronouncement of 20th August, 1917, with scrupulous accuracy. Among the changes which the Joint Committee recommended in the language of the Bill as first presented was an enlargement of the Preamble so as to reproduce as fully as possible the features of Mr. Montagu's declaration.

When the new Constitution was inaugurated, the Duke of Connaught, in the name of the King-Emperor, reaffirmed the policy of which the initial stage was then being taken, and successive Viceroys have reiterated the assurance. No responsible person has ever sought to repudiate the commitments thus entered into, and they have recently been reaffirmed and emphasised. We enter upon our task, therefore, upon the basis and assumption that the goal defined by Mr. Montagu represents the accepted policy to be pursued, and that the only proposals worthy to be considered are proposals conceived in the spirit of the announcement of 20th August, 1917, and inspired with the honest purpose of giving to it its due effect. It is in this spirit and with this purpose that we frame our

* Life of Curzon (Ronaldshay), Vol. III, p. 167.

Report, and we can do no other, for we are appointed under a section of the very Act of Parliament which contains the Preamble.

Mr. Montagu's Announcement.

2. The announcement made to the House of Commons on 20th August, 1917, by Mr. Montagu was in the following terms :—

"The policy of His Majesty's Government, with which the Government of India are in complete accord, is that of the increasing association of Indians in every branch of the administration and the gradual development of self-governing institutions with a view to the progressive realisation of responsible government in India as an integral part of the British Empire. They have decided that substantial steps in this direction should be taken as soon as possible, and that it is of the highest importance as a preliminary to considering what these steps should be that there should be a free and informal exchange of opinion between those in authority at home and in India. His Majesty's Government have accordingly decided, with His Majesty's approval, that I should accept the Viceroy's invitation to proceed to India to discuss these matters with the Viceroy and the Government of India, to consider with the Viceroy the views of local Governments, and to receive with him the suggestions of representative bodies and others.

"I would add that progress in this policy can only be achieved by successive stages. The British Government and the Government of India, on whom the responsibility lies for the welfare and advancement of the Indian peoples, must be judges of the time and measure of each advance, and they must be guided by the co-operation received from those upon whom new opportunities of service will thus be conferred and by the extent to which it is found that confidence can be reposed in their sense of responsibility."

The Preamble.

3. The Preamble to the Government of India Act, 1919, recapitulated this statement as follows :—

"Whereas it is the declared policy of Parliament to provide for the increasing association of Indians in every branch of Indian Administration, and for the gradual development of self-governing institutions, with a view to the progressive realisation of responsible government in British India as an integral part of the empire :

"And whereas progress in giving effect to this policy can only be achieved by successive stages, and it is expedient that substantial steps in this direction should now be taken :

"And whereas the time and manner of each advance can be determined only by Parliament, upon whom responsibility lies for the welfare and advancement of the Indian peoples :

"And whereas the action of Parliament in such matters must be guided by the co-operation received from those on whom new opportunities of service will be conferred, and by the extent to which it is found that confidence can be reposed in their sense of responsibility :

"And whereas concurrently with the gradual development of self-governing institutions in the Provinces of India it is expedient to give to those Provinces in provincial matters the largest measure of independence of the Government of India, which is compatible with the due discharge by the latter of its own responsibilities."

The Instrument of Instructions.

4. In consequence of the passing of the Government of India Act, 1919, the Instrument of Instructions from the King-Emperor to the Governor-General of India was revised. These revised Instructions were issued on 15th March, 1921, and were shortly afterwards made public for general information. Two of the paragraphs in this Instrument make direct reference to the contents of the Preamble as follows :—

"VI. And inasmuch as the policy of Our Parliament is set forth in the Preamble to the said Government of India Act, 1919, We do hereby require Our said Governor-General to be vigilant that this policy is constantly furthered alike by his Government and by the local Governments of all Our presidencies and provinces."

"IX. For above all things it is Our will and pleasure that the plans laid by Our Parliament for the progressive realisation of responsible government in British India as an integral part of Our Empire may come to fruition, to the end that British India may attain its due place among Our Dominions. Therefore, We do charge Our said Governor-General by the means aforesaid and by all other means which may to him seem fit to guide the course of Our subjects in India whose governance We have committed to his charge so that subject on the one hand always to the determination of Our Parliament, and, on the other hand, to the co-operation of those on whom new opportunities of service have been conferred, progress towards such realisation may ever advance to the benefit of all Our subjects in India."

The prescribed goal and the prescribed method.

5. These, then, are the conditions, deliberately avowed and unswervingly maintained, under which Parliament is about to enter upon a re-examination of the vast Indian problem. These conditions have a double aspect, and as there is a tendency for

some commentators to confine attention to the one point of view, while critics of a different school concentrate solely upon the other, we feel that it is of the highest importance at the outset to emphasise the fact that the Montagu declaration of 1917 and the Preamble of 1919 embody both.

On the one hand, "the progressive realisation of responsible government in British India as an integral part of the British Empire" is the fixed object to the attainment of which, in co-operation with the Indian peoples themselves, British policy stands pledged; the obstacles in the way (and we shall not fail to give a full and candid account of them) cannot be treated as defeating that object, or as affording a discharge from its pursuit. They are of so formidable a character that no opinion as to what should now be done is worth anything at all until they are duly appreciated; but whatever the obstacles, the object stands as the declared goal of British-Indian policy.

On the other hand, it is equally part and parcel of the pronouncements of 1917 and 1919 that progress in the attainment of this avowed object "can only be achieved by successive stages"; that "the time and manner of each advance can be determined only by Parliament, upon whom responsibility lies for the welfare and advancement of the Indian peoples"; and that in the development of this purpose, the decision as to the immediate future must largely depend upon a just estimate of the results and consequences of the steps already taken.

6. We are well aware that many Indian publicists look askance at the efforts of others to give an account of these matters, however straightforward and sympathetic that account may be. The purely British composition of our own body roused resentment in many quarters in India—resentment which we did everything in our power to allay, first by seeking the co-operation of Indian Committees (for whose aid we are deeply grateful) and later by suggesting the calling of a Representative Conference after this Report and the Report of the Indian Central Committee have been made and published. We have learned enough of India to recognise and to respect the acutely sensitive pride of her sons. But we trust that in the pages that follow, inspired as they are by a desire not only to discharge our statutory duty to Parliament but to serve the cause of India's political progress, our Indian fellow-subjects will recognise that candour and friendship are close allies, and will find an earnest of that goodwill towards India as a whole which, we are well assured, will govern all the impending discussions. Our own task is not to decide, but to report to the King-Emperor whose Commission we hold and to the Parliament of which we are members. In the steps that will follow before the decision is reached there will be full opportunity for the contribution of the views of every section of responsible and representative opinion in India.

Arrangement of Report—Volume One.

7. The plan of our Report is as follows. It is divided into two volumes, corresponding to the two parts into which our statutory task falls. We are directed, in the first place, to " enquire into the working of the system of government, the growth of education, and the development of representative institutions in British India, and matters connected therewith." Our first volume is occupied with this survey. But we are further required to report as to the future, and our second volume presents the conclusions and recommendations at which we have arrived.

The survey contained in our first volume is divided into seven parts. In Part I we deal with **" The Conditions of the Problem."** The Montagu-Chelmsford Report contained a brilliantly written chapter with the same title, and to this we shall make frequent reference. But it is, we feel, necessary to provide for Parliament afresh, in a compendious form, a statement, as accurate and impartial as we can make it, of what India is—its vast size and varied population, its conglomeration of races and religions, its social divisions, its economic circumstances, and its growing political consciousness. We have added to this Part an account of the Indian States and of the Army in India; both of these subjects exercise so great an influence on the Indian problem as a whole, and are so vitally involved in its future treatment, that their importance must be firmly grasped before we deal with each in closer detail later on. Much of this description in Part I will be regarded by those who are intimate with India as elementary, but the elements are not everywhere appreciated and borne in mind. We have ourselves found that two visits, in the course of which we have travelled through every part of British India, together with the study of a vast amount of accumulated material and the opportunity of friendly contact with men and women drawn from every section of Indian society, have left us with a much clearer view of these elementary considerations than we can claim to have had before. We feel, therefore, that Parliament will expect us to set out these matters as a preliminary to the discussion of any constitutional question.

8. In Part II we set out our account of **" The Existing Constitutional Structure."** Much (though not all) of this is to be deduced from the present Government of India Act. The principal matter which Parliament will be called on to consider at the final stage will be, of course, proposals for the amendment of that Act.

The Government of India Act, however, is a statute of over 150 clauses and five schedules; moreover, the Act itself provides for the making of Rules dealing with topics of the first order of importance, such as the working out of the system of dyarchy in the provinces, the electoral code, and other matters. The

text of the Rules is considerably longer than the Act itself. Even if all these documents were readily available, and in the hands of those who will shortly be called upon to consider them, it would still, we think, be absolutely necessary to present the result of them afresh in a form best calculated to bring out their main features, and to provide a working basis for what is to follow. But, in fact, the necessary material is not as a whole readily available, and we have spared no pains to make our own account of the present constitution of British India, and of the relation between its different parts, as informing and comprehensive as we can.

The constitutional history leading up to the present Reforms is dealt with in the Montagu-Chelmsford Report, and in many authoritative works. Some knowledge of this is, of course, essential to a due understanding of the present structure, but save for a brief introduction to Part II and some incidental references, we have thought it unnecessary to add yet another description to those already available of the steps which led up to the establishment of the existing constitution.

9. In Parts III and IV of this volume we pass to the first matter which is specifically referred to us for our report by the terms of the section under which the Statutory Commission was constituted, viz., the working of the existing system of government. We deal in Part III with **"The Working of the Reformed Constitution."** Here, therefore, we are entering into territory where the sections of the Government of India Act and the contents of the Montagu-Chelmsford Report cannot by themselves serve as guides, though it is highly instructive to observe how far the indications of the one and the intentions of the other may be regarded as realised in practice. We have, for the purposes of this part of our Report, made as close a study as we could of the political history of India since the Government of India Act came into force. There are extensive records on the subject, including the Annual Reports presented to Parliament in accordance with the requirements of section 26 of the Act and the official volumes of proceedings of the various legislative bodies. We have seen several of these legislative bodies in session, and have had evidence from, and many opportunities of contact with, officials and non-officials who have had actual experience of working the Reforms. The Government of India and the various provincial Governments provided the Statutory Commission with elaborate surveys, which in their turn have been the subject of enquiry and criticism at the sittings of the Joint Conference between ourselves and the Indian Committees when evidence was being taken. We have further had the advantage of studying the Reports of the various Provincial Committees which sat with us in India, and also the Report, with appended Minutes, which is the outcome of the long and laborious consideration of the Members of the Indian Central Committee.

Part III, then, includes chapters dealing with the relation between the electorate and its legislating representatives, the interplay of forces between the legislatures and the Executive, and the course of Indian politics during the last ten years in the light of the Reforms. We have included an estimate of the extent to which political parties are developing in British India, and a survey of some of the influences which go to form political opinion.

10. So far, however, in Parts II and III, we have been dealing primarily with the statutory structure of the Government of India and its working. This statutory structure is chiefly concerned with the Indian legislatures, their powers and composition, and with the extent to which the Executive is responsible to them. But no account of the constitutional system of British India would be complete which did not deal with the machinery of administration and the way it works. We propose, therefore, in Part IV to give a separate description of **"The Administrative and Judicial System"**. This includes an account of the functions and organisation of the various administrative services, such as the Indian Civil Service and the Police Service as well as of various provincial services. On the judicial side, we shall have to explain the constitution of the various High Courts, and of the inferior tribunals which administer civil and criminal justice. All these matters are, of course, vitally involved in proposals for constitutional change, and the future of the day-by-day administration in the hands of executive and judicial officers needs to be considered in relation to possible developments of the Montagu-Chelmsford Reforms no less carefully than the revision of the structure and powers of legislative bodies. We propose in this Part also to include a description and criticism of local self-government and an account of the minor administrations, especially of the **North West Frontier Province and Baluchistan.** This will complete the picture of the existing system as it affects the life and well-being of the inhabitants of British India.

11. Part V is entitled **"The System of Public Finance."** Finance enters so deeply and at so many points into the structure of Indian government that we have found it necessary to describe the present situation, and how it has come about, in considerable detail. The Commission was so fortunate as to secure the services of Mr. W. T. Layton as Financial Assessor. Mr. Layton accompanied us on our second visit to India. As the result of his minute and expert investigation, he has provided us with a Report which we shall include in our second volume and on which our proposals regarding Finance are largely based. But in order to appreciate the extremely important issues involved, we must first give a full account of the fiscal situation as it is.

12. Part VI deals with another topic which is, by the terms of the statute, specifically included in the Statutory Commission's inquiry. This is "**The Growth of Education in British India.**" Here again we have been much assisted by experts. The Review drawn up by the Auxiliary Committee, over which Sir Philip Hartog presided, has already been published and we have made extensive use of it in framing this part of our Report.

Finally, in Part VII, which is entitled "**Public Opinion in India**", we shall briefly indicate our view of the extent of political consciousness and our estimate of the forces at work in Indian public life to-day.

Volume Two.

13. These seven Parts constitute the first volume, and will furnish, so far as we are able to do so, a survey of the matters necessary to be appreciated and borne in mind before we enter upon the second and concluding portion of our task and report "as to whether and to what extent it is desirable to establish the principle of responsible government, or to extend, modify, or restrict the degree of responsible government now existing in British India."

Our second volume, therefore, discusses future developments in connection with various matters dealt with in Volume I, including the position of the Indian States, and makes a series of proposals and recommendations based on the survey we have outlined. We have examined many schemes and suggestions. The material is abundant and, while it is true that we were denied the direct testimony of some important bodies of Indian opinion, we have had the fullest opportunity of studying the Report of the Committee appointed by the All-Parties Conference, 1928 (commonly called the "Nehru Report"), and have not failed to give due attention to its contents, and to other still more recent expositions of contemporary Indian opinion. We do not feel, therefore, that we have been deprived of assistance from such quarters, and we have, in addition, a mass of interesting and suggestive proposals put forward at our request by the various provincial Governments, by the Provincial Committees, and by a wide range of unofficial bodies, both European and Indian, from all parts of India. Our conclusions are based upon an examination of all this material and upon our own enquiries and deliberations.

14. We propose that Volume I of our Report should be made public a short time before Volume II. The problems connected with the future constitutional development of India are of such complexity and importance that we are unwilling to see our proposals for their treatment thrown into the arena of discussion and controversy before there has been time to examine

and digest the survey of the present position on which our recommendations are based, and in the light of which we believe them to be justified. If the account we have given in Volume I is just and fair, we believe that our recommendations in Volume II will be found to be wise and necessary. The general arrangement of Volume II will be found at the beginning of that volume.

In handling matters so various and so vital, it appears to us to be absolutely necessary first to establish the greatest possible measure of agreement as to the fundamentals of the Indian problem, before hastening to consider the method, the pace and the direction of the advance that can now be made along the road towards its ultimate solution.

PART I.—THE CONDITIONS OF THE PROBLEM.

CHAPTER 1.—PRELIMINARY AND STATISTICAL.

15. The central mass of Asia throws out to the west, beyond the Urals, the sub-continent which we call Europe, and to the south, beyond the higher barrier of the Himalayas, the sub-continent which we call India. Various races of the same Aryan stock, presumably migrating from some common centre in distant ages, have established themselves in both these sub-continents. Whence they came, and what proportions they bear to other and earlier races, are matters of doubt and controversy. In the case of India, at any rate, there remain intermingled with the descendants of Aryan invaders, as we shall have occasion to point out later on, very large numbers who are believed to represent pre-Aryan inhabitants, as well as considerable infiltrations from other sources. There are civilisations of equal antiquity with that of India which have passed completely away; but in much of India there is an unchanged outlook on life, a continuing social tradition, and a characteristic philosophy that endures. Hindu orthodoxy is still governed by interpretations of the contents of the Vedas. Systems of medicine which are coeval with Hippocrates still have their exponents and their adherents. In spite of the eagerness with which political India is embracing modern ideas of government, the ancient social system of Hinduism, which has evolved a rigid complication of innumerable castes, from the Brahmin at the top to the pariah at the bottom, continues to control the lives and thoughts of more than two hundred out of the 320 millions of the population of India with a persistence and authority undreamed of in the western world.

16. Europe (if Russia be excluded) possesses a real unity, though no one is likely to fall into the error of regarding Europe as a single nation. In the case of India, a sense of unity is growing, too, but it is largely the outcome of the most recent stage of its history, during which the influence and authority of British rule over the whole area have made it possible to speak of India as a single entity. This tends to obscure, to the casual western observer, the variegated assemblage of races and creeds which make up the whole. Two other influences

making for unification must be taken into full account. One is the prevalence of English as the general means of communication among educated men in different parts of India.* The other is the growth of a passionate determination among the politically minded classes of all Indian races and religions to assert and uphold the claim of India as a whole to its due place in the world. It would be a profound error to allow geographical dimensions or statistics of population or complexities of religion and caste and language to belittle the significance of what is called the "Indian Nationalist Movement." True it is that it directly affects the hopes of a very small fraction of the teeming peoples of India. True it may be that its leaders do not reflect the active sentiments of masses of men and women in India, who know next to nothing of politicians and are absorbed in pursuing the traditional course of their daily lives. But none the less, however limited in numbers as compared with the whole, the public men of India claim to be spokesmen for the whole, and in India the Nationalist movement has the essential characteristic of all such manifestations—it concentrates all the forces which are roused by the appeal to national dignity and national self-consciousness.

Areas.

17. At the end of this volume is a map, in colours, by reference to which the figures of area and population relating to India may be more readily followed and understood. These figures are tabulated in an Appendix at the end of this Part of the Report.† The total area involved amounts to about 1,800,000 square miles—that is to say, more than twenty times the area of Great Britain. Another method of comparison, which is often employed, is to say that India is as large as the whole of continental Europe without Russia, and this remains true even though the map of Europe after the war is consulted. Of the total area of India, approximately 700,000 square miles (yellow)—more than one-third of the whole—lie within the boundaries of the Indian States, which are not British territory at all, though they are under the suzerainty of the British Crown.

* Nearly all the debating in the various Indian legislatures is conducted in English as the necessary medium of communication. The occasional use of a vernacular tongue only serves to emphasize the exception. For example, in the Madras Legislative Council, Tamil-speaking members will be understood only by a minority; Telugu and Kanarese are in the same case; and English provides the greatest common measure. Great efforts have been made, as is natural, by Nationalists to treat Hindi as the governing language of political India, and it or its allied tongues have the widest vogue of any Indian tongue; but it is significant that at the annual assembly of the Congress Party, as well as of other All-India gatherings, English is widely used, as it must be. Of course, this prevailing *lingua franca* is only available for the educated few. The masses are as ignorant of it as the masses of Europe are of Latin.

† Appendix I, pp. 108-110.

These States are nearly 600 in number and vary in size from Kashmir or Hyderabad, the largest, with an area greater than England and Scotland, to properties of a few acres. The rest, which constitutes British India, is made up of nine "Governors' Provinces" together with certain other areas, of which the most important is the North-West Frontier Province.

The largest of the Governors' Provinces, viz., Burma, covers a greater area than the whole of France; the Presidency of Madras and the Presidency of Bombay, which come next in size, are each of them bigger than Italy; the Punjab, the United Provinces and the Central Provinces each exceed Great Britain in size; the area of the province known as Bihar and Orissa closely approximates to that of England and Scotland together; the Presidency of Bengal is somewhat smaller than this; and Assam, the smallest in area of the Governors' Provinces, is of the size of England taken alone.

Population.

18. If we turn from areas to populations, the scale of things is not less important to be borne in mind. The total population of India, according to the last available census (March, 1921), is 318,942,000, or about one-fifth of that of the whole world. Of these, 247,000,000 were enumerated in British India and 71,900,000 were classed as in the Indian States.* Thus, while the Indian States constitute fully one-third of India in area, they contain between one-fourth and one-fifth of its total population. British India, therefore, as the Montagu-Chelmsford Report pointed out,† has nearly two-and-a-half times the population of the United States; Bengal and the United Provinces have, each of them, more inhabitants than Great Britain, and Madras about the same number; Bihar and Orissa comes next with 34,000,000; the Punjab has just over and Bombay just under 20,000,000; the vast area of Burma contains 13,000,000; the Central Provinces have slightly more; and Assam completes the tale with 7,500,000 inhabitants, a figure which approximates to the population of Belgium or Sweden or Holland.

Languages.

19. To immensity of area and of population must be added the complication of language. Among the educated minority, English is the means of communication, not only for official purposes, but for any form of intercourse on an All-India basis. No single vernacular tongue has so wide a range. But the last census showed that only 2½ million persons (16 in every thousand males and two in every thousand females) were literate in English. The language with the widest currency among the

* This total of 71,900,000 includes the population of certain tribal areas in the North West Frontier Province.

† M. C Report, para. 133.

general population is Hindustani in its two forms and scripts "Urdu" and "Hindi." Urdu was the language of the camp and court of the Muhammadan invader and Moslems generally prefer to use the Arabic script and to include words of Persian origin. Hindus, on the other hand, while speaking the same tongue, employ a Sanskritic script and use derivatives from Sanskrit. This language might well have become the official language of the administration, but for the victory of the "Anglicists" a century ago, when Persian was ousted in favour of English as the official medium. But Hindustani is far from being generally understood all over India. For example, in the Madras Presidency, the prevailing vernaculars belong to a totally different family of speech, the Dravidian family, represented principally by Telugu—which is also spoken in Hyderabad State—Tamil, Kanarese (which is also the main language of Mysore) and Malayalam. Bengali is the natural tongue of nearly 50 millions of people in Bengal, Western Assam, Bihar and Orissa. Marathi is spoken in parts of Bombay, the Central Provinces, Berar and Hyderabad; Punjabi in the Punjab and Kashmir; Gujerathi in Gujerat and Baroda State; Rajasthani in Rajputana and Central India; Sindhi in Sind; and so on. Burma and the Assam hills, again, use tongues of an entirely distinct linguistic family. The census enumerates altogether 222 vernaculars for India, but, without going into all these details, it is enough to say that a man who wished to make himself generally understood in all parts of India (without including special areas or remote tribes) would have to be master of as many separate tongues as a linguist who was prepared to accomplish the same achievement throughout Europe.

20. It is manifest, therefore, that, so far as the factors of area, population and language enter into the conditions of the problem, Parliament must, as the Montagu-Chelmsford Report insisted, "face its immensity and difficulty."* We are far from saying that the constitutional future of British India can be decided by statistics, but we are clear that it cannot be evolved by ignoring their significance.

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* M/C Report, para. 133.

CHAPTER 2.—THE COUNTRYSIDE AND THE TOWNS.

Predominance of Agriculture.

21. Far more important than the counting of heads and the measuring of distances is a due appreciation of the life of the people to whom these figures apply and for the sake of whom any system of government should exist. We shall in subsequent chapters attempt a sketch of the diversities of creed and caste, which are so striking a feature of Indian society. But first we must emphasize, as did the authors of the Montagu-Chelmsford Report, the predominantly rural character of the Indian population. We cannot hope to better the description contained in a paragraph of that Report.

"In England and Wales four-fifths of the people live in towns. India has many ancient and historic cities, but, taken all together, they hold but a tiny fraction of her enormous population. It may, perhaps, be assumed that the first approach to urban conditions occurs when ten thousand people reside together in one place; for on that scale questions of water-supply and lighting and drainage—the material things which awake men to a consciousness of their common needs as neighbours—begin to be a serious concern. On that basis we may say that 226 out of 244 millions of people in British India live a rural life: and the proportion of these who ever give a thought to matters beyond the horizon of their villages is very small. Agriculture is the one great occupation of the people. In normal times a highly industrialised country like England gives 58 persons out of every hundred to industry, and only 8 to agriculture. But India gives out of every hundred 71 to agriculture or pasture, 12 to industry, 5 to trade, 2 to domestic service, 1½ to the professions, and 1½ to Government service or the Army. In the whole of India the soil supports 226 out of 315 millions, and 208 millions of them get their living directly by, or depend directly upon, the cultivation of their own or others' fields. What concerns them is mainly the rainfall or the irrigation supply from wells or canals, the price of grain and cloth, the payment of rent to the landlord or revenue to the State, the repayment of advances to the village banker, the observance of religious festivals, the education of their sons, the marriage of their daughters, their health and that of their cattle. They visit the local town on bazaar days and the sub-divisional or district centre rarely on business or litigation. They are not concerned with district boards or municipal boards; many of them know of no executive power above the district officer, and of Parliament or even of the legislative councils they have never heard. In one province it is stated that 93 per cent. of the people live and die in the place where they were born. Similar concerns, are, perhaps, the main interests of the population of some country districts in the United Kingdom. But in India the conditions indicated apply to the great mass of the population."*

22. This was written 12 years ago. The decennial census of 1921 has intervened, and the figures and percentages need some trifling adjustment. The reformed constitution has now been in operation over a large part (but not the whole) of British India for nine years and, short as this time is, we must not ignore any effect which it may already have had upon the rural outlook. But the substantial truth of the picture remains, and will long

* M/C Report, para. 133.

remain. The organisation of Indian industry in certain large towns is every year assuming greater importance; facilities for the villager to visit an adjoining town or reach the railway are increasing and in many country centres during the last year or two the enterprising proprietor of a motor-bus can count on a full load; three general elections for the provincial councils and for the Central Legislative Assembly have taken place, and some 3 per cent. of the rural population (about 10 per cent. of the adult males) have had the novel experience of visiting a polling-booth and being helped to cast a vote; elections for local bodies some of which are of less recent origin, and which more closely touch both the interest and the understanding of the countryside, have occasionally stirred the lives of a slightly larger fraction; villagers have been gathering in the cool of the day to listen to the contents of a vernacular newspaper communicated by one who could read it; co-operative societies in many districts are beginning to give the agriculturist a better sense of the importance of working with his neighbour for some common purpose; and the organisation of this or that group of politicians in the towns may have its representative in the village teacher or tradesman or small official. But any quickening of general political judgment, any widening of rural horizons beyond the traditional and engrossing interest of weather and water and crops and cattle, with the round of festivals and fairs and family ceremonies, and the dread of famine or flood—any such change from these immemorial preoccupations of the average Indian villager is bound to come very slowly indeed.

The Linlithgow Report.

23. The latest and most authoritative survey of the conditions of Indian village life is to be found in the Report of the Royal Commission on Agriculture in India.* That Commission, which was presided over by the Marquis of Linlithgow, was appointed in 1926. It made two comprehensive tours in India for the purpose of collecting evidence and taking observations, and signed its Report in April, 1928. We venture to express the opinion that no one not acquainted with Indian rural life by experience on the spot, can regard himself as adequately informed of the *terrain* to which projects of constitutional reform are to be applied until he has made some study of the survey made by the Agricultural Commission. We refer more particularly to Chapters I (pp. 5 to 14) and XIV (pp. 477 to 510) of the Report, and it is from these Chapters that we have extracted most of the short description contained in the five following paragraphs. It is dangerous to generalise about anything in India, and there are of course material differences in rural life, as in everything else, in different provinces. What follows must be regarded as a general, and to some extent a composite, picture. It carries the authority of the members, both Indian and British, of the Agricultural Commission, and our own observations entirely confirm it.

* Cmd. 3132 of 1928.

Characteristics of Village Life.

24. Almost everywhere in India it would appear that, from time immemorial, the rural population has lived in small villages, the mud or bamboo houses of which are huddled together in a more or less compact area situated in the midst of the fields which provide the means of livelihood to their occupants. The farms and farmsteads which are so prominent a feature of the rural life of Western countries are almost entirely absent.* There is no obvious link between the home of the individual cultivator and the fields he tills. His house is in the village, and the fields which make up his small holding are scattered over the area of land attached to it. In the south and east, holdings average about five acres; elsewhere not more than half of them exceed this limit. Most of the 500,000 villages have not yet been touched by metalled roads or railways; post offices are many miles apart; and telegraph offices still more distant from each other. Except in the north-west, the whole of the country is dependent on the monsoon, and all major agricultural operations are fixed and timed by this phenomenon. Unless perennial irrigation is available, climatic conditions thus restrict agricultural operations to a few months of the year. Under the prevailing system of tillage, the small holdings do not provide occupation for more than half the time of the cultivator. The urban population being relatively small, the demand for agricultural produce for final consumption in the towns is slight in comparison with the whole volume of production. Circumstances therefore have combined to maintain what is, in large measure, a self-sufficing type of agriculture.

25. There have been many developments in the Indian countryside since the government of India passed in 1858 from the hands of the East India Company to those of the Crown, but the main characteristics of village life are still those of the centuries anterior to British rule. Each village tends to be self-contained; in each will usually be found some persons with permanent title in the land, either as owners or tenants with hereditary occupancy rights; of these, some cultivate all they hold, others with larger areas at their disposal rent out to tenants, on a yearly agreement, a part or the whole of their lands; below these in the scale are agricultural labourers, frequently of different castes from the actual cultivators; some of these have acquired small plots in proprietary right or permanent tenure; some have a field or two on rent; many are members of the depressed classes; some work in the fields only at times of pressure, and are mainly engaged in crafts such as leather work, or in tasks regarded as menial. The vast majority of the peasants live in debt to the moneylender, who is often established in their midst. Included in the village population will be certain village

* The chief exceptions are on the Malabar Coast and in parts of Bengal. (See Bengal Census of 1921, p. 124.)

officials, generally heriditary, such as the headman, the accountant, the watchman—persons carrying different titles in different provinces, but representing the traditional organisation of village life. In all but the smallest villages, there are one or more skilled artisans, carpenters or ironsmiths, who provide and repair the simple agricultural implements, bullock gear, and water lifts. Household requirements are supplied by a shop or two, whose owners frequently provide the first market for village produce and add to their earnings by engaging in moneylending. Almost invariably there is a religious building: a temple, shrine, or mosque.

Limitations to Rural Progress.

26. Three considerations have combined to limit any incentive upon the rural cultivator to add to his wealth by producing more than he requires for the immediate needs of himself and his family. In the first place, the tillers of the soil are pursuing traditional methods upon holdings inherited from their fathers before them and divided, as Hindu and customary law prescribed, in equal shares amongst sons or male agnates. For generations past, the pursuits of the people have been predetermined by something in the nature of an occupational caste or guild system. The admirable work done by the agricultural departments of Government, the teaching by precept and example of more scientific agricultural methods, the provision of better seed and purer stock, the remarkable effort in the Gurgaon District of the Punjab which is chiefly due to the personality of Mr. F. L. Brayne—all these things are having their effect and have good results to show. But the root facts of Indian village life remain and must be appreciated no less by the constitutional reformer than by the agricultural adviser.

27. Secondly, the lack of communications and of organised trade and commerce have been in the past, and still are to a most material degree, obstacles to a rise in the standard of life no less than to the wider political outlook of the Indian villager. Unless communications develop and organised trading with distant customers arises, the cultivating classes have no motive, beyond that which may be furnished by a local demand, to produce in excess of their own needs, and where everyone in the same neighbourhood is growing the same crops the local demand is not likely to provide a great incentive. Increased labour brings no adequate reward, if there is no use or enjoyment to which the increased out-turn can be put. The cultivation of a small holding by the joint efforts of a family (with the women often taking their full burden of heavy toil) provides in normal times for the simple standard of living which is all that the cultivator dreams of attaining. Here, again, the last 50 years have seen influences at work which have had profound effects upon the development of Indian agriculture, though it is difficult to see the result in the inspection of an ordinary Indian village.

The carrying out of vast projects of irrigation has transformed many areas from the barest desert to fertile ground favourable for cereals, or sugar, or cotton, or other crops. The opening of the Suez Canal in 1869 revolutionised the figures for the export of Indian agricultural products. The total exports of India at the time when the Canal was opened were valued at Rs.80 crores, then about £80,000,000. For the three years ending 1926-27 the average value of the annual exports of India exceeded Rs.350 crores, i.e., about £262,500,000. And by far the greater part of the volume of exports is contributed by agricultural products, cotton, jute, oil seeds, wheat and tea being the chief items. At the same time roads have improved and extended, and railways have spread, with the result that the principal agricultural products of India find a ready sale at a distance. None the less, rural India remains pre-eminently the land of the small holder; large scale farming, even in the altered conditions of to-day, is practised by few. The typical agriculturist is still the man who possesses a pair of bullocks and cultivates a few acres, with the assistance of his family and of occasional hired labour.

Increase in Rural Security.

28. There is a third reason, and it is far from being the least significant of the three, which goes to explain the backwardness of Indian agriculture in the past and at the same time to account for later progress. When the cultivator cannot be certain that he will be left in possession of the harvest he has sown, the incentive to put more labour and capital into the land or to cultivate a larger area than is required for the maintenance of himself and his family is lacking. There were few periods in the recorded history of India anterior to the British administration when, over large tracts, the internal peace was not greatly disturbed and the demands of the State on the land were not heavy to an extent which made its possession a liability rather than an asset. The first factor which changed the conditions which prevailed over the greater part of India up till the early years of the 19th century was the establishment of peace within the country and of security on its borders. Following close upon the establishment of internal security came that exhaustive and elaborate inquiry into, and record of, rights in land, which forms the basis of rural prosperity. With the detailed record of rights in the land came the "settlement," based upon the system already in existence, of the government demand for land revenue, either permanently or for periods sufficiently long to relieve the revenue payer from the harassing anxiety of uncertainty.

Side by side with this transformation was developed the modern policy for providing against and dealing with the ever-haunting fear of the Indian agriculturist—the peril of occasional famine. In earlier days, when favourable seasons yielded a

surplus, this was stored locally, but the contingency of famine was too remote to determine mass conduct and, for long, Governments met famine when and where it occurred. The modern view of the responsibility of the State was not reached until long after India had passed under the Crown, and it was not until the last decades of the 19th century that a definite famine policy was formulated. Since the series of enquiries into famine came to a close in 1901, great economic changes have taken place in India. The development of irrigation on a vast scale in the Punjab has immensely increased the resources of that province, and similar enterprises are in operation elsewhere. The Sukkur Barrage on the Indus will, when completed, bring water to a barren area in Sind larger than the whole cultivated area of Egypt. The Lloyd Dam, south of Poona, which was opened in 1928 by the then Governor of Bombay, Sir Leslie Wilson, is another great work, containing indeed a larger mass of masonry than the Assouan Dam itself.

The effects of improvements in both internal and external communications have made themselves increasingly felt and the evidence of growing rural prosperity, since the commencement of the present century, is admitted by all who have long and close experience of the country to be manifest. The system of agriculture followed in many places, as, for example, in the cultivation of rice in the deltas, has attained a very high standard and rural India to-day lies open as, perhaps, the widest field in the world for the application of all the help that science can afford and that organisation, training and education can bring within reach. Chapter XIV of the Agricultural Commission's Report contains a detailed and most instructive account of what has been done in the rural areas of India in the direction of improving public health, in grappling with disease, in promoting co-operation and in endeavouring to raise the standard of life. No fair-minded observer visiting the Indian countryside to-day can fail to be struck alike by the magnitude of the work to be done and by the zeal and exertion with which those, whether officials or Ministers, who have the work in hand, are tackling their stupendous task.

But the fact remains, and must remain, that in a country so extensive as India, the effects of any single measure are apt to be so dispersed that they can be discerned with difficulty and that in spite of the progress that undoubtedly has been made and of the great increase in the gross wealth of the country, the ordinary cultivator on his tiny plot is still a man of few resources, with small means for meeting his limited needs—usually illiterate, though not on that account necessarily wanting in shrewdness—with an outlook confined by tradition and environment, and needing above all things that those who consider his future as a citizen should understand something of his life as a man.

Urban Conditions.

29. We now turn to the urban areas, and endeavour to present in like fashion some slight picture of contemporary conditions so far as these bear directly upon the constitutional problem. The last Indian census enumerated close upon 319 millions of people in India, and of these less than 32½ millions were counted in urban areas. This is 10.2 per cent. of the whole, and forms a striking contrast with the corresponding figure of 79 per cent., which the last census found to be the proportion of the population of England to be classed as urban. The distribution of the urban population of India is very unequal; it varies from 23 per cent. in the British areas included in the Bombay Presidency, to 3 per cent. in Assam. The small number of very large towns in India is indeed most remarkable; Calcutta and Bombay have more than a million inhabitants each; Madras and its cantonment contain just over half a million; but in the whole of India there are only 33 towns which have a population of over 100,000. The largest town of any Indian State is Hyderabad which, with its cantonment, returned 404,000. Nearly three-quarters of the urban population of India is found in the smaller towns, which are of a distinct type differing from the great cities. Each has its bazaar quarter where shopkeepers and merchants congregate. Any manufacturing industry there is will be usually carried on in small workshops. Many of these smaller towns combine the status of a municipality with that of the headquarters of a surrounding district, whose administration, judicial business, and local government centre there, much as the affairs of an English county are concentrated at the principal county town. But there are indications that, as Indian commerce and industry develop, the medium-sized country town tends to lose population while the larger cities continue to grow.

30. What however is more difficult to describe and more important to grasp is the general nature of the urban population, and here again the figures of the Indian census convey information which is of more than purely statistical value. In the great manufacturing cities, most of the inhabitants are temporary residents, very largely males, who do not bring their families with them. Calcutta, for example, is the birthplace of only 335 per thousand of its inhabitants. The number of permanent residents of Calcutta who look upon the city as their home is probably not more than 25 per cent. The census found that there were more than twice as many males in the city as females; in Bombay the disparity is almost equally striking. The explanation is that enormous numbers who work in the industrial towns of India still do not regard themselves as permanent town dwellers; they come from the countryside, sometimes indeed from rural areas in another province, where they have left their families in their village home. Most of them come from the lowest rural stratum—landless men, like members of the depressed classes, or impoverished small-holders.

Many of them will return for the season of planting or harvest. Hence arises one at least of the difficulties in organising the industrial workers of India.

The Indian Industrial Worker.

31. The Indian peasant who goes to some busy centre of activity to supplement his income, often lives there under conditions which are almost unimaginable to the British working man. Climate renders possible, and habit makes natural, a state of things which Indian social reformers, working for the improvement of the poorest of their fellow-citizens, are bound to take most seriously to heart. When the census of 1921 was taken, 70 per cent. of the tenements in Bombay were classified as consisting of only one room, and the average number of persons in this one room tenement was ascertained to be 4.03. The census report declared that in Karachi the overcrowding was even worse than in Bombay, and the congestion of the poorer quarters in many other towns is almost as bad. The conditions under which most of the industrial workers live tend to be much worse than the conditions under which they work. The immigrant to the city preserves his village standards of life; conditions which may pass muster in rural areas cannot be observed in a crowded town without creating a slum. Yet India, now a member of the League of Nations, and in close touch with the International Labour Bureau, has its Factory Act passed in accordance with the recommendations of the Washington Conference and other international conventions, the administration of which is in the hands of provincial Governments as a "reserved subject" with a Chief Inspector of Factories in each province. Unfortunately, the number of inspectors is not always adequate. We shall have some further observations to make on the relations of the State to industry in India in a later section of our Report.

Urban Housing.

32. There has been a material improvement in housing conditions in some industrial areas since the census report of 1921 was drawn up. The terrible slums of Indian cities mostly grew up in the last century, and the work of Improvement Boards, even in the places where they were set up, was at first slow and limited. But now-a-days, as the debates in the Legislative Assembly and elsewhere have shown, the conscience of enlightened India has been stirred. Careful municipal control of new buildings is now the rule, and in Bombay, for example, the City Improvement Trust—now merged in the municipality—has to its credit a list of large schemes which are providing light and air in areas formerly the site of insanitary hovels. The work has been carried out with the co-operation and support of business men, both British and Indian, and of local landlords, and has been supplemented by the housing schemes of the Bombay Government, which are helping to provide out of public funds a better class of tenement. Similar

progress has begun in other of the large Presidency towns, and many municipal bodies have made a start elsewhere. Some of the jute companies of Calcutta have laid out for their work-people long lines of healthy tenements, which form a striking contrast to the filthy shanties to be seen in the same area. In Cawnpore we inspected the modern quarters provided by one of the leading textile firms for the families of their operatives, and there is a distinct tendency on the part of many big employers in India to develop the welfare side of their relations with their employees. But when all has been said, there is a vast amount of work still to be done before the general standard of urban housing for working people in India can be regarded as reasonably good, and the most difficult part of the task will be to instil into the minds of the slum-dwellers themselves the desire for something better.

The Educated Classes.

33. We have written at this length of the life of the Indian villager and of the Indian industrial worker because it is the future of these many millions which must be the chief concern of all who take a broad view of Indian problems, and because the greatness of the task still to be discharged can only be measured when one appreciates how much must be done to raise their standard of life and to fit them for the responsibilities of citizenship. As yet their education is far too low to admit of effective and continuous organisation amongst themselves, and those who speak for Indian labour are not as a rule men who have risen from their own ranks.

There is a university in the capital town of every Governor's province except Assam, as well as in many other important and famous centres, such as Benares and Aligarh. They are the avenue through which the educated youth of India, in ever increasing numbers, seeks to qualify itself for the professions, or for politics, or for government service. The constant tendency of such a training is to turn these students' thoughts to urban pursuits, and to give them a distaste for the life of the countryside from which many of them have come.

It is inevitable that in India those who give their attention to political affairs should be found mainly in the towns. It is in the towns that are to be found the barristers and journalists who predominate among the leaders of Indian political opinion and from whose ranks for the most part are drawn the propagandists, candidates and public representatives of all political parties and communities. Every considerable town has a local Bar, and the soil of India is prolific of litigation. The Bar Library is a natural forum for political discussion. Law provides a career open to the talents in which the educated of all castes and communities may hope to make their way to private fortune or public position. In the towns too will be found the professors, teachers and doctors, and above all the great mass of those in the employment of the Government from the I.C.S.

man to the copying clerk. Numerous in the provincial capitals, but with some representatives in every considerable town, the members of the public services form a section of educated India, less vocal, but more experienced and responsible than any other.

The Indian educated class presents a feature which must be regarded as unique. For here is a body of men, educated, working, and, in many instances, thinking in an alien Western language, imbibing with that education the principles and traditions of a Western civilisation and polity, and yet keenly conscious of its unity with the mass of the Indian people whose minds are set in the immemorial traditions of the East.

Rank and Wealth.

34. We shall deal elsewhere with the influences of religion and of caste upon the structure of Indian society, and our account for the present must close with some description of the aristocratic elements which wield so considerable an influence over the whole of India.

The great landlords form a nobility which both claims and exercises the privilege of high rank. The advent of British rule has not destroyed the exceptional status of these all but feudal chiefs, and their influence in their own neighbourhood remains predominant, though their actual powers have diminished. They are marked out as persons of authority and prestige in a society which is far from objecting to social distinctions. The Taluqdars of Oudh hold their formal assemblies in the Palace at Lucknow which used to belong to the Kings of that Province. The leading Zemindars, many of them bearing titles of honour conferred by the King-Emperor, are looked up to by humbler neighbours as their natural leaders. Many of the large landowners in different parts of British India are men who have that stake in the country which consists of great possessions; side by side with them are other landed proprietors of more moderate means, some of them living in picturesque surroundings and rural seclusion amid their tenants and retainers.

The survey may be completed by referring to the great merchant princes of India, such as those whose mansions stand on Malabar Hill in Bombay. It was British capital that began the modern process of industrialism in India, but more and more commercial enterprise is falling into Indian hands. Most of the share capital in the jute mills on the Hooghly is Indian; the vast majority of the cotton factories of Bombay are Indian; and, while it was British enterprise which first established and developed the tea gardens of Assam and elsewhere, these undertakings are now carried on side by side with many that are Indian owned. India is now one of the eight most important industrial areas in the world, and the labour problems of Indian government present the special complication that this industrialisation, which is of extremely modern growth, is displacing the village craftsman, so that large-scale manufacture is being superimposed on the ancient fabric of an elaborately sub-divided and predominantly rural society.

CHAPTER 3.—THE RELIGIOUS COMMUNITIES OF INDIA.

Hinduism.

35. India is a land of almost infinite diversity in its religious aspect. We shall make no attempt to analyse the refinements of difference which from the metaphysical, or doctrinal, or ceremonial point of view may separate those who, for the purpose in hand, are grouped together in a single category. Hinduism counts as its adherents more than two-thirds of the inhabitants of India, and within its comprehensive embrace includes much that might seem to outside observers to be contradictory. "Except perhaps to the few who understand its philosophical meaning, Hinduism has no one distinguishing central concept. Superimposed on a heterogeneous people differing widely from one another in race, language, and political and social traditions and interests, the vagueness and elasticity of its system, and the protean form of its mythology, its ceremonies, and its ordinances, have enabled it to absorb and overlap the various animistic systems which it encountered."* The learned and subtle Brahmin of Benares may seem to have nothing in common with the "untouchables" of Dravidian stock living in the *parcherries* of Madras City, who are nevertheless included within the fold of Hinduism while being denied access to its shrines. The sophisticated and Westernised Hindu graduate may seem a being of an entirely different order both from the contemplative devotee living in abstraction from material things, and from the mob of excited worshippers thronging the temples of Shiva or Kali. But all alike are caught up in this marvellous system, so ancient and so persistent, which is the bedrock of indigenous India. It is a religion which touches ordinary acts of daily life at nearly every point, and a philosophy of existence which provides an outlook fundamentally different from that of the creeds of the West.

Hinduism accounts for one-eighth of the population of the globe and one-half of the total inhabitants of the British Empire.

The Muhammadans.

36. Dispersed among the 216 millions of Hindus of India are nearly 70 million representatives of a widely different type of culture, not originally or exclusively Indian, but spread throughout India as a consequence of a series of invasions from the North and West which have taken place within historic times. The splendid monuments of Mogul architecture stand as a perpetual reminder of the vanished domination of Muhammadan rule. Yet during the centuries when the material power of Islam was at its highest in India, it was

* Report on Census of India, 1921, Vol. I, p. 108.

quite unable to crush the enduring influences of Hinduism. When British authority began to extend over the Indian continent it could, as a neutral, set up and endeavour to apply a canon of tolerance, but it could not alter the essential facts of Hindu-Moslem difference. It would be an utter misapprehension to suppose that Hindu-Moslem antagonism is analogous to the separation between religious denominations in contemporary Europe. Differences of race, a different system of law, and the absence of inter-marriage constitute a far more effective barrier. It is a basic opposition manifesting itself at every turn in social custom and economic competition, as well as in mutual religious antipathy. To-day, in spite of much neighbourly kindliness in ordinary affairs, and notwithstanding all the efforts made by men of good will in both communities to promote Hindu-Moslem concord, the rivalry and dissension between these two forces are one of the chief stumbling blocks in the way of smoother and more rapid progress. We regard it as an essential part of our task (as in due course it will be a vital concern of Parliament) to make an impartial survey of the guiding facts of this situation before approaching the question of the method of its constitutional treatment.

37. If we confine ourselves for the moment to British India, the Hindu population amounts to 163 millions and the Muhammadans to approximately 59½ millions. In two of the Governors' Provinces, Muhammadans are in an actual majority; their total in Bengal amounts to 25,210,000 out of the 47 millions which that province contains, and in the Punjab Muhammadans are enumerated at 11,400,000 out of a total of just over 20 millions. In the other seven provinces to which the Reforms have been applied they are everywhere in a minority. In Assam they are 28 per cent. of the population; in Bombay 19 per cent.; in the United Provinces 14 per cent.; in Bihar and Orissa 10 per cent.; and in Madras just over 6 per cent. In the Central Provinces they amount to only half a million out of a total population of nearly 14 millions; and out of Burma's 13 millions (of which more than 11 millions are Buddhists) they muster half a million. One of the difficulties, therefore, in adjusting representation in the provincial legislatures—unless for this purpose religious divisions are to be disregarded—is to devise a scheme which takes due account of Muhammadan predominance where it is found to occur, and at the same time provides adequate representation where Moslems are in a minority. It is an elementary reflection, but one not always borne in mind, that weightage in favour of one interest necessarily involves a reduction in the proportionate representation of the rest. In the North West Frontier Province Muhammadans are in a large majority (over 2 millions out of a total of 2¼ millions in the administered territory); and in the administered area of Baluchistan they amount to 367,000 out of a total of 420,000.

38. Turning to the Indian States, the total Hindu population is 53½ millions, and the total Muhammadan population 9¼ millions. Muhammadans are in a majority in Kashmir, though the ruling house is Hindu. On the other hand, Hyderabad, with a total population of 12½ millions, of which more than 10½ millions are Hindus, has as its ruler the Nizam, who is a Muhammadan.

Causes of Hindu-Moslem Tension.

39. It is evident, therefore, that the distribution of the population as between Hindus and Muhammadans provides one of the most serious complications for Indian statesmanship, and that this question recurs in different forms and degrees in almost every part of India. The minority community is not concentrated in one part of the area, as Protestants in Ireland tend to be concentrated in Ulster. It is mainly represented in the North-Western parts of India and in Eastern Bengal, but its numbers elsewhere are not sufficiently small to be disregarded, and not sufficiently large to claim the mastery of numbers. These being the statistical facts, we must now proceed to give the best account we can of the nature of the antagonisms which these rival communities tend to develop, of the extent to which this tension is growing or dying away, and of the influence which these considerations are bound to exercise upon the treatment of the constitutional problem. It unfortunately happens that on Indian soil the opposition of these two faiths is sharply intensified by religious practices which are only too likely to provoke mutual ill-feeling. The devout Hindu regards the cow as an object of great veneration, while the ceremonial sacrifice of cows or other animals is a feature of the annual Muhammadan festival known as the Baqr'Id. Hindu music played through the streets on the occasion of the procession of an idol, or in connection with a marriage celebration, may take place at a time when the Muhammadans of the town are at worship in an adjoining mosque, and hence arises an outbreak of resentment which is apt to degenerate into a serious quarrel. The religious anniversaries observed by Moslems are fixed by reference to a lunar year which does not correspond with the adjusted Hindu calendar, and consequently it occasionally happens that dates of special importance in the two religions coincide—as, for instance, when an anniversary of Moslem mourning synchronises with a day of Hindu rejoicing—and the authorities responsible for the maintenance of law and order are then faced with a time of special anxiety. In spite of the constant watchfulness of the police authorities, and of the earnest efforts of leaders in both communities to reach a *modus vivendi*, the immediate occasion of communal disorder is nearly always the religious issue. On the other hand, when communal feeling is roused on some matter of secular interest, religious zeal is

always present to stimulate conflict, and partisans are not slow to exploit the opportunity.

The Present State of Communal Feeling.

40. It is a lamentable fact that the occasions when Hindu-Muhammadan tension is carried to the point of violent outbreak have not diminished since the Reforms. In the five years 1923 to 1927 approximately 450 lives have been lost and 5,000 persons have been injured in communal riots; these figures include some disturbances in which Sikhs were involved. A statement laid on the table of the Legislative Assembly showed that from September, 1927 to June, 1928 there had been 19 serious Hindu-Muhammadan riots, which had affected every province except Madras. It would serve no useful purpose to reproduce in this Report the details with which we have been supplied; the facts are undeniable, and it is not surprising that Lord Irwin, in his striking appeal soon after he first set foot in India, to the leaders of the two communities to co-operate in a new effort to cope with the evil, should have declared that Hindu-Muhammadan antagonism was " so clearly the dominant issue in Indian life." Every well-wisher of India's constitutional progress must be deeply stirred by the Viceroy's words :—

> " Let the leaders and thoughtful men in each community, the Hindu among the Hindus, and Moslem among the Moslems, throw themselves with ardour into a new form of communal work and into a nobler struggle, and fight for toleration. I do not believe that the task is beyond their powers. I see before me two ancient and highly organised societies with able and esteemed public men as their recognised leaders. I cannot conceive that a really sincere and sustained appeal by them to the rank and file of their co-religionists sustained by active propaganda of the new gospel of peace would pass unheeded. In past centuries each community has made its great contribution to the annals of history and civilisation in India. The place that she has filled in the world in past ages has been largely of their creating. I refuse to believe that they can make no contribution now to rescue the good name of India from the hurt which their present discords inflict upon it. . . . In the name of Indian national life, in the name of religion, I appeal to all in each of the two communities who hold position, who represent them in the press, who direct the education of the young, who possess influence, who command the esteem of their co-religionists, who lead them in politics or are honoured by them as divines. Let them begin each in their own community to work untiringly towards this end; boldly to repudiate feelings of hatred and intolerance, actively to condemn and suppress acts of violence and aggression, earnestly to strive to exorcise suspicions and misapprehensions and so create a new atmosphere of trust. I appeal in the name of national life because communal tension is eating into it as a canker. It has suspended its activities. It has ranged its component parts into opposite and hostile camps."*

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* At the Chelmsford Club, Simla, on July 17th, 1926.

41. Lord Irwin repeated his warning and his appeal at the opening of the Simla session of the Indian Legislature on the 29th August, 1927 :—

> "I am not exaggerating when I say that, during the 17 months that I have been in India, the whole landscape has been overshadowed by the lowering clouds of communal tension, which have repeatedly discharged their thunderbolts, spreading far throughout the land their devastating havoc. From April to July last year Calcutta seemed to be under the mastery of some evil spirit, which so gripped the minds of men that in their insanity they held themselves absolved from the most sacred restraints of human conduct. Since then we have seen the same sinister influences at work in Pabna, Rawalpindi, Lahore and many other places, and have been forced to look upon that abyss of unchained human passions that lies too often beneath the surface of habit and of law. In less than 18 months, so far as numbers are available, the toll taken by this bloody strife has been between 250 and 300 killed, and over 2,500 injured . . . . United must be the effort if it is to gain success; and on the successful issue of such work depends the building of the Indian Nation. Yet the would-be builders must approach their task sorely handicapped and with heavy heart, so long as the forces to which they would appeal are distracted and torn by present animosities. For nothing wholesome can flourish in unwholesome soil, and no one may hope to build a house to stand against the wind and the rain and the storm of life upon foundations that are rotten and unsound."

We are far from saying that these appeals have met with no response, for the leaders of both communities are deeply conscious of the truth of the Viceroy's words, and of the injury that is being done by the continuance of communal tension. But the Report of the Bombay Riots Inquiry Committee* published in August last, observes that since the date of the speech just quoted, at least 20 serious communal riots have occurred in various parts of India, the two Bombay riots alone accounting for the deaths of nearly 200 persons. It is noteworthy that in Bombay, where Hindu-Muhammadan tension does not normally exist to the extent to which it is often found in Calcutta, the origin of the recent riots was not communal, but was to be found in inflammatory speeches made by extremist leaders during a textile strike, followed by an outbreak of wild rumour and isolated murders, after which communal feeling was inevitably aroused.

Influence of the Reforms on Communal Rivalry.

42. The question has been raised whether Hindu-Muhammadan tension is aggravated or assuaged by the prevailing system of communal representation, under which Moslem voters form a separate electoral roll and choose their own members (as the Sikhs also do in the Punjab), while non-Muhammadan electors

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* Mr. P. E. Percival, Mirza Muhammad Khan, and Mr. K. M Jhaveri. Report published by Bombay Government, and obtainable through the High Commissioner for India.

are grouped in distinct constituencies and elect their own representatives. On the one hand it is contended that this separation actually reduces the chances of conflict, as the rival communities are not fighting against one another for the same seats, but each is concerned solely with selection from inside its own body. On the other hand it is argued that such an arrangement tends to encourage the appeal to communal sentiment, instead of developing political associations along the lines of a broader citizenship. There is a long and important history connected with the separate representation of Muhammadans* which needs to be carefully studied before detailed proposals for the future can be discussed or put forward. But we may say at once that in our judgment communal representation cannot be justly regarded as the reason for the communal tension we have been describing, and there is no solid ground for supposing that if communal representation were abolished communal strife would disappear. The true cause lies deeper and arises from conditions which are far more difficult to change than the mechanics of representation.

43. In so far as this tension is due to the constitutional situation, it is not to be explained by dwelling upon the operation of electoral arrangements, but is a manifestation of the anxieties and ambitions aroused in both communities by the prospect of India's political future. So long as authority was firmly established in British hands, and self-government was not thought of, Hindu-Moslem rivalry was confined within a narrower field. This was not merely because the presence of a neutral bureaucracy discouraged strife. A further reason was that there was little for members of one community to fear from the predominance of the other. The comparative absence of communal strife in the Indian States to-day may be similarly explained. Many who are well acquainted with conditions in British India a generation ago would testify that at that epoch so much good feeling had been engendered between the two sides that communal tension as a threat to civil peace was at a minimum. But the coming of the Reforms and the anticipation of what may follow them have given new point to Hindu-Moslem competition. A great part of the evidence given before us was on communal lines, and the same cleavage appears in the Reports of the Indian Committees that sat with us. The one community naturally lays claim to the rights of a majority and relies upon its qualifications of better education and greater wealth; the other is all the more determined on those accounts to secure effective protection for its members, and does not forget that it represents the previous conquerors of the country. It wishes to be assured of adequate representation and of a full share of official posts.

* See Appendix V, pp. 126-131, "Note on the History of Separate Muhammadan Representation."

Hence has arisen a situation which it is of the most urgent importance for the influences which operate on public opinion in India to relieve. But no cure is likely to be found by ascribing false causes to the disease. The true cause, as it seems to us, is the struggle for political power and for the opportunities which political power confers. We are fully alive to the arguments against communal representation, but we cannot think that it is the effective cause of this deplorable friction. At the same time we are no less clearly convinced that separate communal electorates serve to perpetuate political divisions on purely communal lines, and we have every sympathy with those who look forward to the day when a growing sense of common citizenship and a general recognition of the rights of minorities will make such arrangements unnecessary. We shall return to this subject, and make our own observations upon it in our second volume. Here we are only concerned to call attention to the facts of a very serious situation, which every well-wisher of India should do his utmost to improve.

Buddhists, Sikhs, Jains, and Parsis.

44. Hindus and Moslems between them account for 285½ millions out of the 319 millions of India. The balance, classified by reference to religion, and distinguishing between British India and the Indian States, is accounted for as follows :—

(Figures to nearest thousand).

——	British India.	Indian States.	Total.
Sikhs	2,367,000	872,000	3,239,000
Jains	456,000	723,000	1,179,000
Buddhists...	11,491,000	80,000	11,571,000
Parsis	88,000	14,000	102,000
Christians	3,028,000	1,726,000	4,754,000
Others	6,941,000	2,874,000	9,815,000

In addition there are 2,814,000 whose religion is not known.

In three cases the adherents of one or other of these faiths will be found almost entirely in a single province. Although the birthplace of Gautama the Buddha lies under the shadow of the Himalayas, and although the places specially associated with his life and teaching are in Bihar and the United Provinces, over 96 per cent. of the Buddhists of India are to be found in Burma.

The small and exceedingly prosperous community of Parsis, who follow the religion of Zoroaster and trace their origin from Persia, reside for the most part in Bombay, though small numbers of the community will be found engaged in commerce in other towns.

The Sikhs of India live almost entirely in the Punjab Province, and in certain Indian States, such as Patiala, which are in the Punjab area. "Sikhism was an attempt to reconcile Hindu beliefs with a purer creed, which rejected polytheism, image worship and pilgrimages. It remained a pacific cult till the political tyranny of the Mussalmans and the social tyranny of the Hindus converted it into a military creed".* It is a striking circumstance that this small community contributed no less than 80,000 men to serve in the Great War—a larger proportion than any other community in India. The numbers of the Sikh population have rapidly grown in the last thirty years, and the concentration of this vigorous element, with its strong communal attachments, in the single Province of the Punjab, is a fact of great political importance which requires special treatment.

It will be noticed that in the case of the Jains, the larger half of this community is to be found outside British India—mostly in the Bombay States and Rajputana.

Indian Christians.

45. Of the remaining religious communities, the Indian Christians, from the point of view both of numerical and of political importance, call for special consideration.

A Christian Church has existed in India for over 1,500 years. The old Syrian Christian community in Malabar cherishes a tradition that it was established by the Apostle St. Thomas himself. In any case its great antiquity is undoubted, but it is only in the course of the last half century, since the efforts of Christian missionaries have been concentrated upon the remote village districts, that this religious community has exhibited such rapid growth. It now claims to be the third largest religious body in India, numbering in British India and the Indian States combined about 4½ millions souls, of which 2,775,000 live directly under the British Raj.† Of the full total, approximately 1¾ millions are Roman Catholics, and about 2¾ millions are comprised in other denominations. Since the year 1881 Indian Christians have considerably more than doubled their numbers.

The many admirably conducted schools and hospitals founded and maintained by Christian missionaries of various nationalities and denominations, some of which we visited during our tours through India, compel a tribute to the splendid services they render. It was the missionaries who were among the pioneers of education for the illiterate; they maintain some of the best medical institutions in the country; and their work among women and children, and for the depressed classes, is of special

* Report on Census of India, 1921, Vol. I, page 114.

† The totals for Christians in the tabulated statement in paragraph 44 are made up by adding to the above Anglo-Indians and European Christians (including American Missionaries).

significance. Not the least admirable feature of their activities is that they have carried on their labours without offending the susceptibilities either of Moslem or Hindu, and have lived at peace and amity with their neighbours.

The Indian Christian community is widely distributed, but more than half of its members live within the Madras Presidency and the adjoining States. At the last census 32 persons in every thousand of the population of the Presidency of Madras were Christians—a total of 1,361,000. In the State of Cochin the proportion is as large as 268 per thousand, and in Travancore 292 per thousand. There has been a steady growth in the number of adherents to Christianity in southern India. Converts, at any rate in British India, are drawn mostly from the lower castes of the Hindus, especially the depressed classes, and from the aboriginal tribes. People such as these have nothing to lose from abandoning their old attachments and the religion they embrace gives them a new hope and a new standard. When a member of the depressed classes adopts Christianity, the census no longer counts him as included in the former category. There has also been a striking increase in the number of adherents in Assam, Bihar and Orissa, the Central Provinces, and Hyderabad.

The Indian Christians stand high in the table of literacy. More than one in five of them is returned as able to satisfy the test—a remarkable result, considering that so many are drawn from the lowest strata of Hindu society. The Parsis and the Buddhists are the only Indian religious communities which make a better showing. In English education, the Indian Christians are second only to the Parsis, whose advantages are enormously superior. The achievement is a great one and shows what good work is being done in mission schools.

Tribal Religions.

46. A word should be added on the ancient and obscure faiths which the census groups together under the head of "Tribal Religions." There are still found, in various parts of India, and especially in certain hill and jungle regions, aboriginal tribes whose beliefs as to the unseen world are bound up with the practice of worshipping or propitiating the forces and objects of nature and the spirits which they conceive to reside in natural phenomena. Primitive peoples do not claim to belong to any particular religion: they only know of their own beliefs, and are therefore unconscious of religious classifications. It is a remarkable experience to motor along some wide and shady road in Burma and come suddenly across a gaily decorated tree adorned with gilding and bits of bunting, where the passer-by is wont to make offering to the local *Nat*. The relation between this and Buddhism may be difficult to describe, just as the enumerator must have had a difficult task in drawing the line between the religious attitude of an aboriginal Gond or Bhil and that of some

who have been absorbed into the lowest Hindu castes. These topics are for the anthropologist rather than for the statistician or the legislator.

Dr. J. H. Hutton has written some fascinating chapters on the beliefs of the Angami and the Sema Nagas of the Assam hills. All that it is necessary to record in the present sketch of the religious communities of India is that there are some ten millions of people of various aboriginal stocks whose beliefs cannot properly be classed as falling within any of the great organised religious systems to which we have previously referred.

CHAPTER 4.—CASTE AND THE DEPRESSED CLASSES.

The Conception of Caste.

47. It would be beyond the scope of this Report to enter upon any comprehensive and scientific survey of the caste system of the Hindus, even if we were qualified to attempt it. But some appreciation of the nature and results of that system is essential to an understanding of certain aspects of the Indian constitutional problem. The sub-divisions of Hindu society due to caste are such that it was thought necessary by the Joint Select Committee on the Bill of 1919 to make special provision for certain sections at more than one point of its electoral recommendations. In the Bombay Legislative Council the Mahrattas (including some allied castes), while voting in the same constituencies with the general body of Hindus, were guaranteed the occupation of seven seats; in the Presidency of Madras the fear of Brahmin domination was so strong (though they only constitute 1,397,000 out of a total Hindu population of 37½ millions) that 28 seats were reserved for non-Brahmins. In fact, however, at each of the three elections which have taken place for the Madras Legislative Council, a considerably larger number of non-Brahmin members have been returned. The whole subject of the representation and protection of the Depressed Classes—a subject which received very brief treatment in the Montagu-Chelmsford Report, but which has come to the front in recent years as a question of urgent and widespread concern—is bound up with the operation of the caste system. It is necessary, therefore, that we should devote a section of our Report to the matter.

48. Caste has been described as "the foundation of the Indian social fabric," at any rate so far as Hindu society is concerned. Every Hindu necessarily belongs to the caste of his parents, and in that caste he inevitably remains. No accumulation of wealth and no exercise of talents can alter his caste status; and marriage outside his caste is prohibited or severely discouraged. It almost invariably happens that every man's caste is known to his neighbours. In some cases, the application of the rule of caste seems almost to prescribe the means of livelihood of its members; indeed many castes partake of the nature of occupational guilds. Thus the caste system, which may have originated in the preservation of ceremonial purity in social relations and in rules designed to limit admixture of blood, has in the course of ages developed into an institution which assigns to each individual his duty and his position in orthodox Hinduism. He feels the special claim which his caste-fellows have upon him. But the boundary which brings members of the same caste together also serves to separate them from innumerable compartments embracing other castes. And there results a rigid and detailed subdivision of Hindu society which strongly contrasts with the theory (if not always with the application) of equalitarian ideas among Moslems and Christians.

The Brahmins.

49. The beginnings of the caste system are obscure, and indeed an eminent authority has declared the subject to present an insoluble problem. The original Sanskrit word for caste means "colour," and it is inferred that the system owes its origin to the desire of the fairer Aryan people who migrated into India to preserve their own racial characteristics by the imposition of social barriers between themselves and the dark-skinned races whom they found already established in the Indian peninsula. The term, however, very early in the history of the Hindus, came to denote a social order independently of any actual distinction of colour, and in modern times it has become associated with homogeneous endogamous communities, or groups of families, in many cases following specific occupations. The system is a distinctive product of Brahminism, and perhaps its most outstanding feature has been the dominating influence of the Brahmins. Thousands of years ago, the Brahmins established themselves in a position of ascendency as the highest caste, with a monopoly of the priestly office and a claim to the monopoly of knowledge. Every priest is, therefore, a Brahmin, and his presence is necessary at the religious ceremonies of most caste Hindu families. But every Brahmin is not discharging the duties of a priest; on the contrary the traditions of learning, the exercise of authority, and the intellectual energy of the Brahmin caste have secured for its members in some parts of India, though not in all, a share of power and influence—in the administrative services, at the Bar, on the Bench, and in the Legislatures—which is out of all proportion with their numbers. The ability of the Brahmin Pandit is everywhere acknowledged, and it is amazing to reflect how widely the seven or eight million males, who are all that belong to the Brahmin caste, though everywhere in a small minority, are represented in the public life of India. At the same time many Brahmins follow humbler professions. In the United Provinces, for example, a large number of Brahmins are cooks, many of them in non-Brahmin homes. The Brahmin community also contributes a regiment to the Indian Army. Again, on the west coast, there are definite classes of Brahmins who are petty traders and hereditary cultivators.

Intermediate Castes.

50. We shall make no attempt to deal by way of detailed description with the intermediate castes which lie between the Brahmins and the depressed classes. Originally, below the Brahmins, were found two other social compartments, the Kshatrya or warrior caste, to which most of the Hindu rulers in the old days belonged, and the Vaishya caste of traders and agriculturists. These three were the Twice-born, living not only in the world of sense but sharing that higher existence which is betokened by the wearing of the Sacred Thread. Below

them were the Sudras, consisting of the rest of the population, not entitled to these privileges but destined irrevocably to serve their superiors and to discharge menial occupations which it would be degrading for the Twice-born to fill. The permeating power of Hinduism has absorbed into this lowest order masses of men who were originally outside its pale and may be descendants of an earlier and conquered race. By degrees, this four-fold division of Hindu society was developed by a process of further sub-division: new castes and sub-castes were evolved, each with its strong bond of internal union and discipline, till in the census of thirty years ago (when for the first time a systematic classification was attempted) a list of no less than 2,300 different castes was drawn up. It is noteworthy that in the lowest stratum of all, the process of sub-division persists; there are gradations of caste even among the outcasts.

Will Caste Endure?

51. Are these factors of cleavage, which seem inherent in the social system of Hinduism, for ever destined to overshadow the growing sense of a common political nationality? It would be a grave error not to note and make due allowance for the influences—social, economic, and political—which are tending by degrees to sap the rigidity of the caste system. The operations of large-scale industry bring together in a common enterprise men of different castes, and in the mills and mines of India many of them are working side by side in the same occupation. Trains and trams cannot make provision for caste distinctions. In the villages, co-operative societies have an important influence in breaking down ancient social barriers, and political, educational, and economic activities everywhere tend to bring into contact different grades. For practical purposes, therefore, it may be assumed that the strictness of caste feeling is being slowly modified in many directions, and the movement has the sympathy and support of not a few of India's progressive leaders. With the demand by the educated classes for a more democratic system of government we see the emergence of a new factor which has operated to modify the severity of caste distinctions. The problems of caste have for the first time in recent Indian history become a serious political issue. On the one hand, the existence of insurmountable social barriers has furnished the opponents of political reform in India with a powerful argument. On the other hand, there has been a growing recognition by Hindu politicians of the fact that social exclusiveness is a formidable obstacle to the growth of nationalism in the country. Mr. Gandhi in 1920-21 placed the removal of "untouchability" in the forefront of his programme. Some of his followers have gone even further and advocated the total abolition of the caste system. The passing of resolutions at public conferences is a very different thing from translating them into practice: but many who view the prospect in India with sympathy and insight detect signs of a real change coming. We

are not, of course, presuming to do more than record our impressions of present conditions as these affect the constitutional problem, and for this purpose criticism and prophecy are equally out of place. The spiritual and social sub-divisions of India, operating in a land where there is a deep respect for religion, and supported by ancient tradition and the canons of orthodoxy, are not likely to suffer very sudden or violent alteration, and nothing is more clear than that whatever change may come, must come from the action of the people of India themselves.

52. A significant development since the War has been a growing consciousness among the intermediate castes in the Hindu system of their natural rights as citizens, and the deep resentment that has been displayed against the political and intellectual domination of the Brahmins in Southern India. In Madras, from the very beginning of the Reforms, the "non-Brahmin" castes organised themselves and secured political power in their own hands. The victory of the "Justice Party," as the non-Brahmin organisation was called, was the victory of numbers, for the Brahmins in Madras form less than 4 per cent. of the Hindu population of the province. But this success was none the less of deep significance, for it indicated that under the new constitution the dominance of the highest caste could be overthrown, even in a place where it had been thought necessary to make express provision for the protection of its rivals. The non-Brahmins in Bombay have never been so well organised or so successful as in Madras, but they have always sent a powerful group to the Legislative Council.

The Depressed Classes.

53. At the lower end of the complicated scale of castes, and definitely below all others, are found, in every province of India except Burma, very large numbers to whom in recent years the term "Depressed Classes" has been applied. These comprise some 20 per cent. of the total population of British India, or some 30 per cent. of the Hindu population. They constitute the lowest castes recognised as being within the Hindu religious and social system. In origin these castes seem to be partly "functional," comprising those who followed occupations held to be unclean or degrading, such as scavenging or leather working, and partly "tribal," i.e., aboriginal tribes absorbed into the Hindu fold and transformed into an impure caste. Their essential characteristic is that, according to the tenets of orthodox Hinduism, they are, though within the Hindu system, "untouchable,"—that is to say, that for all other Hindus they cause pollution by touch and defile food or water. They are denied access to the interior of an ordinary Hindu temple (though this is also true of some who would not be classed as "untouchable"). They are not only the lowest in the Hindu social and religious system, but with few individual exceptions

are also at the bottom of the economic scale, and are generally quite uneducated. In the villages they are normally segregated in a separate quarter and not infrequently eat food which would not be touched by any other section of the community. A large proportion of them are landless agricultural labourers employed by cultivators for small remuneration; others of them work in big industrial aggregations. We believe it is not uncommon for a particular shed in a factory to be reserved for depressed class workers, though such separation cannot always be observed.

Disabilities of the Untouchables.

54. The actual disabilities, other than religious, suffered by the untouchables owing to their untouchability vary very greatly in different parts of India, not only from province to province, but in different parts of the same province and even sometimes in different parts of the same district. Two most widespread difficulties that arise are in connection with water and schools. It is in many places customary for the untouchables to be denied access to the wells or tanks used by the other castes and great difficulty has often been found, when a new source of water-supply has been provided from public funds by local authorities, in arranging for the untouchables to have use of it. If any village draws its water from a river, the untouchables will be required to take their supply from a different point, lower down. In many places the children of untouchables are either excluded altogether from ordinary schools, although provided in whole or in part from public funds, or else required to sit apart. We have been told of cases in which the untouchable child attends the lesson standing outside the school. An account of the attempts to grapple with this problem on the educational side will be found in the report of our Auxiliary Committee on Education.

The difficulty of the administrator or political reformer is much increased by the fact that the great body of the untouchables, as yet, accept their destiny as natural and inevitable. Their state is indeed pitiable—inside the Hindu fold and yet not of it—living on the edge of starvation, and unaware of any hope of improving their lot.

55. The disabilities of the depressed classes are undoubtedly most severely felt in Madras, and especially in Malabar. In the latter district is still found the phenomenon—now almost unknown elsewhere—of "unapproachability," that is to say the untouchable must not approach within a certain distance of a high caste Hindu, and would have to leave the road to allow his passage, and even to shout in order to give warning of the risk of pollution. It was stated to us that a local authority in another part of Madras had preferred to leave the roads unmended rather than employ untouchable labourers to repair them. In Bombay and the Central Provinces, the position, though no doubt less acute, is probably more or less comparable to that in Madras. An instance was quoted to us in which, despite an

order to the effect that members of the depressed classes must be admitted to all Courts, a defendant was afraid to enter a Magistrate's Court for fear of the resentment which such action would arouse. Recent telegrams from Nasik and Poona, in the Bombay Presidency, seem to indicate organised action on the part of some untouchables to assert a claim to enter Hindu temples.

In Bengal, Bihar and Orissa and the United Provinces, although there are large numbers belonging to untouchable castes, in general they do not seem to suffer so universally or so severely as in the South. It would, however, be a mistake to suppose that the problem does not exist in these provinces. We were, for example, told that it was not unknown in Bengal for postmen to refuse themselves to deliver letters to untouchables. In the Punjab, caste differences are much less rigidly observed, and we were informed that the problem of the untouchables could hardly be separated from that of the socially and economically backward. In Assam, also, the difficulty hardly seems to exist as a separate problem; and it is in that province, in which Hinduism is of comparatively recent growth, difficult to distinguish between untouchable Hindus and aboriginals outside the Hindu fold. Among Burmans, caste distinctions hardly exist.

Is the Condition of Untouchables Improving?

56. Considerable efforts have been made in recent years by social reformers and by Government for the amelioration of the state of the depressed classes, but progress has been, and is likely to remain, slow. Modern changes in the external conditions of daily life are not without effect, but the breaking down of such barriers cannot but be exceedingly gradual. The following remarks in the Bihar and Orissa Census Report of 1921 illustrate the process:

> "In places like Jamshedpur where work is done under modern conditions, men of all castes and races work side by side in the mill without any misgivings regarding the caste of their neighbours. But because the facts of every day life make it impossible to follow the same practical rules as were followed a hundred years ago, it is not to be supposed that the distinctions of pure and impure, touchable and untouchable, are no longer observed. A high caste Hindu would not allow an 'untouchable' to sit on the same seat or to smoke the same *hookah* or to touch his person, his seat, his food or the water he drinks; for a breach of this rule a bath in cold water is the minimum purification prescribed. There is indeed little to show that the rules of touch are falling into disuse except in so far as they have become incompatible with the routine of everyday life. At railway stations no questions are asked with regard to the caste of one's fellow passengers or the railway porters who handle one's baggage, but the man who supplies drinking water to thirsty passengers is still (except in parts of Chota Nagpur) a Brahman."

57. We made careful enquiries as to the extent of the changes which had come about in recent years. Questions on this point addressed to depressed class representatives rarely produced an

admission of any material advance, but our own impression is that there is a slow but real improvement beginning in some areas. It is beyond doubt that there are those among the higher caste Hindus who have laboured zealously in the cause of the depressed classes, and not without effect; the missions have done splendid work in giving them a new dignity and a new hope; and we must mention with admiration the efforts which we saw being made by the Salvation Army for some of the most degraded.

Estimate of Numbers of Depressed Classes.

58. On the question of the numbers of the depressed classes, conflicting estimates have been made from time to time by various authorities. The variation in the figures arises largely from a difference in the meaning and application given to what is at all times a rather vague term. If the test applied is that of "causing pollution by touch or by the approach within a certain distance", the total will not be the same as if the list included all who are denied access to the interior of ordinary Hindu temples. The criterion of admitting or refusing children to schools would again give a different figure, and indeed the treatment in this respect of members of the same caste would differ in different areas. These considerations must be borne in mind if any question arises of making a list of individuals who belong to the depressed classes, as for example for electoral purposes. But at present we are only concerned to provide the fairest estimate we can of the totals. After studying various figures, and analysing the evidence put before us, we have made the best estimate we can of the numbers of "untouchables" in the first of the above senses. Excluding aboriginals who are definitely outside the Hindu fold the table is as follows :—

—	Number in millions.	Approximate percentage of Hindu population.†	Approximate percentage of total population.
Madras	6·5	18%	15½%
Bombay	1·5	11%	8%
Bengal	11·5*	57%	24½%
United Provinces ...	12·0*	31%	26½%
Punjab	2·8	42%	13½%
Bihar and Orissa... ...	5·0*	20%	14½%
Central Provinces ...	3·3	33%	24%
Assam	1·0	24%	13%
Total (Governors' provinces excluding Burma)	43·6	28½%	19%

* These figures must be read subject to the warning below.

† Criminal tribes and tribes essentially aboriginal who are only partly Hinduised have, so far as estimates of these are available, been deducted from the figures for the Hindu population.

We must make it plain that the figures in the above table are estimates, and, in respect of some provinces, have in any case less significance than in others. So far as Madras, Bombay and the Central Provinces are concerned, there is not likely to be much dispute as to which are the "untouchable" castes, and no really material differences exist in the various calculations made. But it is otherwise in the case of Bengal, the United Provinces, and Bihar and Orissa. In these three provinces the connection between theoretical untouchability and practical disability is less close, and a special investigation might show that the number of those who are denied equal rights in the matter of schools, water, and the like is less than the total given for the depressed classes in those areas. In Assam the figure is largely conjectural, for in addition to the difficulty of distinguishing between "untouchable" Hindus and aboriginals, there is a good deal of uncertainty as to the proportion of depressed class people to be found among tea-garden labourers. No wide variation for the estimate given for the Punjab has been put forward, but this fact does not necessarily establish the accuracy of the figure.

The conclusion, therefore, is that in provinces where the effects of untouchability are most seriously felt, the figures are likely to be fairly precise; but in other parts of India where the treatment meted out to depressed classes, though constituting a real disability, is not so severe, there is a wide margin of possible error.

CHAPTER 5.—THE ANGLO-INDIAN COMMUNITY.

59. Paragraph 346 of the Montagu-Chelmsford Report deals with the Anglo-Indian community as follows:—

"Some reference is needed also to the case of the large Anglo-Indian or Eurasian community which on historic grounds has a strong claim on the consideration of the British Government. It is not easy for them, occupying as they do an intermediate position between the races of the East and West, to win for themselves by their own unaided enterprise a secure position in the economy of India. They have been hitherto to a great extent in political and economic dependence on the Government; and they would not be strong enough to withstand the effect of changes which omitted to take account of their peculiar situation. We think the Government must acknowledge, and must be given effective power to discharge, the obligation to see that their interests are not prejudicially affected."

The events of the twelve years which have elapsed since this passage was written have not diminished the concern of this community for its future, and we warmly sympathise with its anxieties. It was not found possible to include within the Government of India Act any special guarantee of Anglo-Indian interests, and it is admittedly the fact that the problems raised by the difficulties of Anglo-Indians are not so much constitutional as economic. A representative deputation laid their position and grievances before us; and a short account of these must be given here.

60. Anglo-Indians are found in every part of India, but almost entirely among the urban population and very largely in railway and administrative centres. The census of 1921 gave 113,090 as the strength of the community in the whole of India. The figure is probably not very precise, for some who might have been included get classed as Europeans, while there is a tendency for some Indian Christians who have adopted British names to seek inclusion in the Anglo-Indian category. Of the enumerated total, 95,921 live in British India (chiefly in Madras, Bengal, Bombay and Burma), and 17,169 in the States (mainly in Mysore, Travancore, Cochin and Hyderabad).

In the early days of the East India Company many children of mixed marriages were educated in England and returned to India in the Company's service in positions equivalent to those which had been held by their European fathers. Others were educated in India in Anglo-Indian schools, some of which are of old foundation and have fine records. For a long time the usefulness of Anglo-Indians in staffing administrative posts was widely recognised. The community has played an honourable part in developing the country and in supporting the forces of order. These avenues of employment are the more important to it since Anglo-Indians are not cultivators and few of them hold commanding positions in the world of commerce. It is, generally speaking, a poor community; the standards of life it endeavours to maintain make this poverty still more severely felt; it is domiciled in India, and must make India its home: and it

now finds itself, largely as the result of the Reforms and the progress of Indianisation, exposed to the danger of falling between two stools.

Some 1,500 Anglo-Indian women are in the nursing profession. They have given of their best to the tending of the sick of all races, and have thus done something towards meeting one of the foremost and most urgent needs of Indian society.

Ambiguity of Status.

61. An answer given by the Under-Secretary of State for India in the House of Commons in December, 1925, illustrates the ambiguity of Anglo-Indian status. It ran as follows :—

> "For the purposes of employment under Government and inclusion in schemes of Indianisation, members of the Anglo-Indian and Domiciled European Community are statutory natives of India. For the purposes of education and internal security, their status, in so far as it admits of definition, approximates to that of European British subjects."

The mention of "statutory natives of India" might seem to suggest a racial test. But this is not so. The reference is to a definition of "natives of India" in the Indian Councils Act of 1870 for the purpose of securing that such persons might be available for official appointments, under certain conditions, without passing the civil service examination. There is brought within this definition "any person born and domiciled within the Dominions of Her Majesty in India of parents habitually resident in India, and not established there for temporary purposes only". Such a definition is manifestly not limited to persons of mixed blood, and might equally apply to anyone satisfying these tests, whether pure European or pure Indian. The only definition of "Anglo-Indian" of which we are aware does not occur in any statute, but is to be found in the electoral rules in force for Bengal, Madras and Burma—the three provinces where the community's representation is secured through election by a separate constituency. "Anglo-Indian" is defined in these rules as meaning any resident British subject (not being a pure European) who is of European descent in the male line, or who is of mixed Asiatic and non-Asiatic descent, and whose father, grandfather, or more remote ancestor in the male line was born in the continent of Europe, Canada, Newfoundland, Australia, New Zealand, the Union of South Africa, or the United States of America. So far as the community elects its members, exact definition is only required where it is necessary to compile an electoral roll on a communal basis. So much precision is not required when the representative is nominated.

Employment in the Public Service.

62. As we have said, a very large proportion of Anglo-Indian adults are employed in the public service. Almost all of these are connected with central departments. The deputation to which we have referred informed us that about 14,000 Anglo-Indians, together with 3,000 domiciled Europeans, are engaged

on the railways, and that substantial numbers of the community hold posts in the Telegraphs, Customs, Post Office, Survey, and Indian Medical departments. Very few members of the community appear to be employed in the provincial services, though some of them find work in the education departments.

We were told that during the last two years the proportion of Anglo-Indians employed on the railways has tended to fall, while the number of Indian employees has increased. Improved education and lower wages make the latter formidable competitors. To take another example, in the Indian Telegraph department (which up to 1878 was entirely staffed by Anglo-Indians and domiciled Europeans), the percentage of such employees is stated to have fallen from 66 per cent. in 1902 to 40 per cent. in 1928. In other departments the change is equally marked. The reduction in the public employment of Anglo-Indians may be partly explained by the inclusion of a university degree among the qualifications required of a candidate for a wide range of posts to which Anglo-Indians were formerly admitted without it. But the real cause is to be found in the working out of the policy of increasing Indianisation of the services. Even though Anglo-Indians may be included in schemes of Indianisation, the pressure from more powerful and numerous Indian communities is such that there is an increasing danger of Anglo-Indians being squeezed out.

Anglo-Indian Prospects.

63. These anxieties found expression in Anglo-Indian deputations which visited England and waited upon successive Secretaries of State in 1923 and 1925. The considered answer contained in the Government of India's letter of September 1928, written after a close investigation of the facts, and after much official consultation, shows clearly how difficult it would be to provide the community with the assurances which it seeks.

As regards the effect of Indianisation, it is clear that Anglo-Indians are eligible for posts set aside for Indians. It is the declared policy of the Government of India to do its best to give the various Indian communities a share in Government service, and this policy is carried out by reserving one-third of the total number of appointments in services administered by the Central Government for qualified members of the minority communities. But the Government of India has never been prepared to set aside any definite percentage of appointments for any particular community; its policy has been restricted to securing that no one community should obtain an undue preponderance, and the distribution of reserved posts among other communities has been a matter of discretion. Inasmuch as the Anglo-Indian community has in times past held an exceptionally large proportion of positions in the central services, it is obvious that with the

advance to general Indianisation its privileged position is in jeopardy. As the Government of India's letter says :—

> "It has to be recognised that altered conditions of the country and increased competition from Indians proper must tend to diminish the field of employment of Anglo-Indians in the public service."

It would be a great relief to the situation if the community could open out for itself a wider range of employment, and depend less completely on government service. Nothing would be more helpful than a rapid advance in Anglo-Indian education, and we hope that the importance of this will be increasingly recognised and provided for. Nobody can consider the difficulties which are inherent in the position of Anglo-Indians without desiring to do the utmost for them. As we have said, their difficulties are economic and social rather than constitutional, and nothing can prevent old traditions being affected by changing circumstances. Such suggestions as we are able to make on the subject will be found in our second volume.

CHAPTER 6.—THE EUROPEAN IN INDIA.

64. Europeans in India fall mainly into three classes. First, there are the men of business, who, with their families, are found in the principal shipping and trading centres and in other places of organised production, like the tea estates of Assam or Darjeeling or Chota Nagpur, the tea or coffee plantations in the Nilgiris, certain coal fields, or the rubber plantations and oil producing areas of Burma. Secondly, come the British members of the various branches of the Civil Service. These are found in the All-India Services, such as the Indian Civil Service, the Indian Police Service, or the engineering services; and again there are numbers of Europeans engaged upon the railways. Thirdly, there are some 60,000 British troops—officers and men of British regiments serving in India—together with British officers holding commissions in the Indian Army.

We deal elsewhere with the Army in India,* and with the Civil Service;† though it may be as well to emphasize here how comparatively small is the British element in the latter. In the whole civil administration of British India, from the highest to the lowest grade, the European element is about 12,000 out of a total approaching a million and a half. But this 12,000 includes a large number of British engine-drivers on lines directly managed by Government, a few British police sergeants in some of the largest towns, and other Europeans in subordinate posts. The total British element in the superior grades of the civil service is about 3,500. The services recruited by provincial Governments are almost entirely manned by Indians, apart from a few experts and technicians secured by special contracts. The Education and Agricultural services, for example, as time goes on, may be expected to become completely Indianised so far as the provinces are concerned; such British officers as remain are a survival from the time before 1924, when the general decision was taken, on the recommendation of the Royal Commission on the Superior Civil Services in India (the Lee Commission) that the Secretary of State should no longer recruit on an " All-India " basis for such of the services as were administering subjects which had been transferred to the control of Governors of provinces acting with their Ministers. The intention is that the provincial services should develop and increase gradually, as members of the " All-India Services " cease to become available. Meanwhile the two services will continue to exist side by side as long as there remain any members, whether British or Indian, recruited on an All-India basis for these departments.

To these three main classes of Europeans in India must be added the missionaries of various denominations, a small and devoted band of women engaged in medical and other social work, some retired officials, army officers and planters who have

* Part I, ch. 10.
† Part IV, ch. 1.

settled down in hill stations like Ootacamund, and a limited number who carry on in country districts well-organised agricultural production of an exceedingly high standard.

Numbers.

65. According to the 1921 census, the European population in British India numbered 156,637, of whom 45,000 were women. The adult males not in government service amounted to 21,780.

Small as these numbers are, the part that is played by British enterprise in the commercial life and organisation of India is incalculably great. In Bombay, the bulk of the industrial capital is Indian, and, apart from shipping and allied interests, the British element constitutes a comparatively small fraction of the whole. Most of the textile mills, for example, are Indian owned; though some of these employ British managers or heads of departments. By contrast, the control and direction of a large part of Calcutta business is in English, and still more in Scottish, hands. As a centre of overseas trade, Madras is of much less importance, but here also there is a substantial element which is British. Cawnpore is a most striking example of a great industrial town in the interior with textile and leather industries which have been largely developed by British capital.

The European Association, to which so many of the community belong, was founded nearly fifty years ago, and aims at embodying the general views of Europeans in India, as distinct from particular classes or from special interests represented by various commercial and industrial organisations. The Association has 31 branches scattered throughout India, and has a membership of about 8,000. It takes a leading part in organising the election of European members to the legislatures, and it is one of the most important bodies through which the views of the European community were placed before the Commission.

European influence.

66. The true significance of the position of the European in India can only be realised by bearing in mind the course of history and the economic development of the country. It is now more than three hundred years since the first British merchants settled in Surat, north of Bombay, and more than two centuries have passed since British traders established themselves in Bengal. The Indian railway system, designed and carried out by British enterprise, has transformed the conditions of Indian commerce. It is British organisation and leadership which have promoted the modern industrial development of India, just as it has been the adoption of political conceptions derived from Britain which has chiefly affected the recent course of Indian politics. There can be few cases in history where so small a body of men has brought about changes so widespread and so fundamental. Yet, while the British connection is continuous and deeply rooted, the British individual is a sojourner,

who, after spending his working years in India, looks forward to retiring to that other country which is his real home. Only a small fraction of those who go out for the purposes of business or employment settle down in India permanently, and the domiciled European community does not grow. The noteworthy fact is that, over areas so vast and amid populations so immense and diverse, the importance of the small European community, by whatever standard this may be measured, is out of all proportion with its size.

Social Relations.

67. We close this chapter with a reference to the relations prevailing between the European community and its Indian neighbours. We believe that both in politics and in business, there is often personal friendliness and a real mutual respect. We are sure that want of consideration in social intercourse for Indian feelings cannot justly be laid to the charge of the average Englishman in India to-day, and the courtesy of Indians to others is proverbial. The Montagu-Chelmsford Report contains a passage on this delicate topic which we copy here.*

> "The Indian temperament is sensitive and attaches great importance to appearances: it may easily mistake brevity for curtness, and directness for discourtesy. The Englishman often has no natural aptitude for courtliness as India understands it, and values time more highly than the Indian. He has no doubt the defects of his qualities; and yet if he were not what he is he would not have done what he has done. Even with his own people the Englishman is by nature exclusive; he does not disclose his mind to those whom he does not understand; and different habits of thought are a great impediment to understanding. There are thus allowances to be made on both sides. It is perhaps not easy for the successful and unimaginative Englishman to realise what the rule of another race must mean to patriotic minds, and the great obligation that lies upon him to treat with all possible consideration those whom he has hitherto ruled and whom he is now admitting to a share in the task of ruling. Indians on their part would surely do well to reflect on the differences of thought if not of habit that impose inevitable and perfectly healthy limits to intercourse, if each type is to preserve what is best within it; and to think how natural, indeed how necessary, it is that a small and scattered community of European dwellers in an Asiatic country should nurse among themselves a certain communion of their own."

* M/C Report, para. 347.

CHAPTER 7.—THE WOMEN OF INDIA.

68. Except for a mention of the obstacles which social custom sets up in the way of female education, there is hardly any reference in the Montagu-Chelmsford Report to the women of India. It is a striking proof of the change which has come over the Indian scene in the last twelve years that no document discussing India's constitutional system and the directions in which it can be developed and improved could omit the women of India today.

The text of the Government of India Act is as silent as to the political rights of women in India as the Montagu-Chelmsford Report, but the Statute provided that the qualification of electors for the different legislatures which were then being set up should be determined by rules made under the Act. The Franchise Committee, which visited India under the presidency of Lord Southborough, reported early in 1919 that it had received numerous petitions from women of the educated classes urging some form of female suffrage, but it expressed the view (with one dissentient) that the social conditions of India made it premature to extend the franchise to Indian women at that juncture, when so large a proportion of male electors required education in the responsible use of a vote. If this advice had been followed, a beginning could not have been made until now, and the request that Indian women should have some direct opportunity of influencing the course of politics in the land to which they belong would still have remained wholly unsatisfied. But the claim was pressed by the Women's Indian Association and its allies, and the Electoral Rules made under the Act were so drawn as to secure that if any provincial council passed a resolution in favour of removing the sex disqualification, this should become an operative decision; and a corresponding faculty was conferred upon both Houses of the Indian Legislature.

Madras led the way in April, 1921, and all these bodies (except the Council of State) have now passed the necessary resolution. We shall, later on in this Report,* give figures to show the extremely limited extent to which women, thus enfranchised on the same terms as men, have become qualified as electors.

In seven provinces out of nine, women may now also be members of the legislatures, and women from those provinces can become members of the Legislative Assembly. Already, in several of the provincial councils referred to, a woman member has in fact been nominated; one of these has been unanimously elected by the Madras Legislature as its deputy-president. The women members, we believe, have done useful work as legislators: one of them (the lady just referred to) was responsible for the passage in Madras of the important measure known as the Devadasi Bill, which endeavours to deal with the dedication to temples of girls, most of whom live a life of prostitution.

* Part III, Ch. 1., para. 202.

In at least one constituency a woman has stood for election and polled nearly as well as her successful male rival. In municipal elections—in the cities of Madras and Bombay—some women have been returned.

Indian Women Reformers.

69. Side by side with these developments there has begun in recent years a strong movement by bodies of educated Indian women, supported by both Indian and British sympathisers, to urge social reforms which would promote the progress of Indian womanhood. For example, the first All-India Women's Educational Conference, with a European as Secretary, met in 1927. The organisers soon discovered that, though the movement had been inspired by the need for educational reform, the social and legal disabilities of Indian women were so closely linked up with educational problems that the scope of the Conference had to be extended to include work touching these subjects, and they now form part of the deliberations of these conferences, which have become an important and influential annual event. Regional meetings of women on similar subjects are being held in many parts of India, and an interesting feature is the absence of any indication of communal friction. The Seva Sadan Society, founded a quarter of a century ago in the Bombay Presidency by Mrs. Ramabai Ranade, is carrying on a great work at many centres with special reference to the training of nurses and midwives, the promotion of maternity and infant welfare, and the finding of employment for widows. Increasing interest is being taken in many places in health centres, and organisations are at work to give some instruction to the untrained *dais* (midwives), who follow their hereditary profession without any knowledge of the principles of aseptic treatment. But the supply of skilled aid for women in sickness is most gravely inadequate to the need. A memorandum placed before the Commission by the "National Association for supplying medical aid by women to the women of India", which manages the Countess of Dufferin's fund, and which formed the Women's Medical Service for India in 1914, states that there are about 400 women doctors working in India with registrable qualifications, of whom 150 are working under missionary societies.

There is an excess of males over females in the population of India amounting, according to the last census, to almost nine millions. The gap is at its widest in the age-groups 10 to 20 and may be not unconnected with social customs and practices such as purdah and early marriage and unskilful midwifery which seriously affect the vitality of so many Indian women. Moreover, among the lower classes, many women often have to undertake physical toil as hard as the work of the men. It will be a matter of great interest and importance to observe whether the increasing attention which is now being given to women's questions, and the emergence of a body of opinion among educated women in India which is determined to improve

the conditions of female life, do not result in an alteration of the figures for the better.

Notwithstanding the good work that is being done in women's hospitals at certain centres, and the organisation of nursing associations, the maternal mortality in India stands at a very high figure. As for infant mortality, the ratio of deaths under one year per thousand births is recorded as 189 (as against a figure of 70 for England and Wales). It is manifest, therefore, that, with the subject of public health entrusted to Indian Ministers in the provinces, the arousing of interest among Indian women themselves to promote improvement in these matters is an event of the greatest importance.

Purdah and Child Marriage.

70. The interest of educated India has been so much concentrated on purely political issues that the attention now being given to social questions, like those arising out of purdah and early marriage, is the more impressive and significant. Although the leaders in these women's organisations are among the select few, they are helping to bring about a striking change in opinion, and the movement towards reform in questions relating to women is widespread. Their movement is powerfully backed by progressive minds among India's political leaders. The feeling against purdah is fast gaining ground. It is a system* which has

* "From the time they attain puberty, numbers of young girls, Hindu and Muhammadan, often just children in instinct and feeling, retire into seclusion. They see no men except those of their own household; they go out veiled or in closed and curtained conveyances when they do go out at all; and even this degree of liberty is denied them under the stricter Purdah conditions. Purdah, the seclusion of girls who have attained puberty, is a Muhammadan institution more rigidly enforced in north India. In that part of the country it has been frequently adopted by the Hindus, especially in Rajputana. It does not prevail at all among south Indian Hindus; or among the people of Maharashtra and a large section of Gujerat, or in the Madras and Bombay Presidencies. As a result of this, it is less rigid among the poor Muhammadans of south India. Unfortunately there is a tendency, even at the present day, for communities that have not originally adopted Purdah to do so as a mark of growing social status and prosperity. The Kathiawaris, for instance, have adopted it only in the past fifty years; and doctors working among them have already felt the deplorable physical results of this adoption, the increase of tuberculosis and of early maternal mortality.

"Purdah differs very much in the degree of seclusion practised in various parts of the country. At its best and especially among the poor classes, women can move about on the public road and go about their outdoor work with a veil over their faces. If rich, they can use curtained conveyances, and social intercourse of a restricted kind is not denied them. Even under such conditions the system is an infliction on the natural dignity of womanhood, and, on the purely physical side, results still in a deplorable lack of air and exercise that will lead to the physical deterioration of the race. On the other hand, Purdah may be so rigid that a woman may, among the poor, be confined to a small house, practically windowless or with openings high up in the walls, and she may not leave the house even to fetch water for household purposes. However poor the household, she can take no share in the work, except for the cooking which she can do indoors. It has been said that a Rajputani may not leave her house to fetch water though the house may be in a jungle and the well in front of it. The experience of doctors working among these *Purdah nashin* women is a tragic revelation of numberless cases of tuberculosis, stunted growth, and disease, both among the women themselves and their children."—Dr. Rukhmabai, M.D., in "Women in Modern India—Fifteen Papers by Indian Women," p. 145.

pressed least hardly on the very rich who can afford to provide adequate separate space for the ladies of their households; medical reports show how terribly it eats into the vitality of less fortunate women who are shut up with small accommodation. The gathering force of the movement against child marriage is a still more significant symptom, for it has developed in the face of much opposition from the orthodox, and in spite of an ancient tradition widely observed both by Hindus and Muhammadans. The Age of Consent Committee, consisting of nine Indians and one European member, estimated that something like half the girls of India are married before the completion of their fifteenth year; the census of 1921 showed that over two millions of them were married, and 100,000 were widows, before the age of ten. Hence the importance of the Sarda Act just passed by the Indian Legislature. If this law, penalising marriage until the wife is 14 and the husband is 18, is adequately observed and enforced, one of its results will be a great impetus to girls' education. The usefulness of schools largely depends on the value attached by the average parent to the instruction of his children, and as long as the destiny of a little girl is child marriage and the seclusion of purdah, there is no public opinion and no parental ambition to urge that daughters should have the opportunities of good education. Yet these daughters become in the next generation the wives and mothers who determine home standards of life and culture. At the last census in 1921 less than one woman in fifty in British India could read and write, and though the number of girls under instruction has increased by 400,000 in the last ten years, far more has been done for boys' than for girls' education. In no province does one girl out of five attend school; in some provinces not one out of twenty or twenty-five. Even more significant are the figures which show how soon the school-days of many girls are over. Four times as many boys as girls attend primary schools; eighteen times as many boys as girls are found in middle schools; and thirty-four times as many in the high schools. Even in the Punjab, where compulsory education has made most headway, it is not applied to girls. There are less than 2,000 women in arts colleges, while the number of men students is over 64,000.

It would be difficult, therefore, to over-estimate the value of the improvement which may in time be secured by the changing outlook for the women of India. At present the number of trained Indian women in the professions of teaching and nursing are pathetically few, and the obstacles to increasing their number are great. Yet mass education for girls and small children cannot be made effective throughout the villages of India until there is a large supply of qualified women teachers. The amount of unnecessary suffering caused to women by the lack of medical and nursing aid is appalling.

The Influence of Indian Women.

71. The women's movement in India holds the key of progress, and the results it may achieve are incalculably great. It is not too much to say that India cannot reach the position to which it aspires in the world until its women play their due part as educated citizens. We may quote a passage (page 151) from the Review of our Auxiliary Committee on Education, which included among its members an Indian lady of distinguished public service. "The innate intelligence of the Indian woman, her feeling of domestic responsibility, her experience of household management, make her shrewd, penetrating, wise within her own sphere. The social position of the Indian woman needs to be strengthened; for in every country, as power passes more and more from the hands of the few into the hands of the many, more and more is the steadying influence of woman needed as the guardian of family life, not only inside but outside the family circle. In all matters of educational and social reform, the counsel and active work of women are essential both in administration and in public affairs. The education of women, especially in the higher stages, will make available to the country a wealth of capacity that is now largely wasted through lack of opportunity. It is only through education that Indian women will be able to contribute in increasing measure to the culture, the ideals and the activities of the country."

CHAPTER 8.—THE PROVINCES OF BRITISH INDIA.

72. We think it would be convenient, before entering upon any constitutional description or discussion, to include in this Part of our Report an account of the character of the main areas into which British India is divided. We have had the advantage—which is perhaps an unusual experience even for many of those, both British and Indian, who pass the whole of their working lives in a part of the Indian sub-continent—of having spent some time in visiting every one of the nine Governors' provinces, seeing during a necessarily short stay not only its capital but also what we could of a portion of its country-side. Of the six minor provinces, we have seen something of three (the North-West Frontier Province, Baluchistan, and Delhi Province), and one of our number has also visited a fourth (Coorg). We are, of course, thoroughly aware that, however exceptional this experience may be, a few weeks in each province could not alone give us more than a tourist's impressions. But, even so, it is an experience which gives a background. Against that background, voluminous and detailed written memoranda, both official and non-official, carefully compiled statistics, and the mass of reports resulting from previous investigations or specially prepared for our own inquiry, are more easy to appreciate. Indian conditions are so various, and are so difficult to survey as a whole, that we have thought well to gather together in the following paragraphs some information, elementary and familiar as parts of it may be to many, with reference to the main sub-divisions of the area for which the complicated structure of the Indian constitution has been devised. Some repetition may be involved, but a view of the whole, province by province, may be of advantage.

The eight divisions which are defined in Section 46 (1) of the Government of India Act as "Governors' provinces," together with Burma which was made a Governor's province in 1923, comprise nearly the whole of British India. It is to these provinces that the new system of government has been applied. The remaining territory consists of a number of minor provinces directly under the control of the Central Government, of which the North-West Frontier Province is the most important. The three provinces of Bengal, Madras and Bombay (which were the first, and for many years the only, areas under British administration) are known as Presidencies: their Governors are by custom not members of the Indian Civil Service, as is the case in the other six provinces, but are usually appointed from Britain.

The Presidency of Madras.

73. The Province of Madras is officially known as the Presidency of Fort St. George. Its present territory has continued practically unchanged since the fall of Tipu Sultan in 1799. From Cape Comorin, the southernmost point of India, it stretches far

up into the Indian peninsula, comprising an area of over 140,000 square miles and containing a population as large as that of Great Britain. This part of India received some of the earliest trading settlers from Europe, and was the scene of most of the struggles in the 17th and 18th centuries between various European nations for commercial and territorial supremacy. Along its 1,700 miles of coast-line are three ports which are still under French administration, and the ruins of numerous Dutch and Portuguese settlements. Running parallel to the coast on the west is a high range of mountains, the Western Ghats, which in parts attain an elevation of 4,000 to nearly 7,000 feet, while a broken series of hills, very much lower in height, follows the general line of the east coast. In the centre of the peninsula thus enclosed is an undulating plateau, on part of which is the important Indian State of Mysore, while in the extreme south between the Western Ghats and the Arabian Sea are two other large States, Travancore and Cochin.

The barrier of the Western Ghats largely determines the distribution of rainfall in the province, and hence arise striking differences of climate and of agricultural conditions in its eastern and western divisions. On the west coast, the rainfall is abundant and regular, and failure of crops on account of drought is almost unknown. On the eastern side, except in the valleys and deltas of the rivers which flow eastward across the peninsula, innumerable "tanks" or small reservoirs of water are scattered all over the country and bear testimony to the cultivator's dependence on a precarious rainfall. These unfavourable conditions go to explain why these eastern districts of Madras have for years provided very large numbers of emigrants to other parts. The plantations of Ceylon, Assam, Mysore, the Malay States and the Straits Settlements, and the rice producing districts of Burma are very largely dependent on the Madras Presidency for their supply of agricultural labour.

Rice is the principal food-grain grown in the parts of the province where rainfall is adequate or where modern engineering has insured regular irrigation. Cotton, sugar cane and ground-nut are among the chief industrial crops. Along the coast, and in particular on the banks of the estuaries and lagoons on the west coast, are luxuriant groves of cocoanut and other palms, while in the higher regions of the Western Ghats European enterprise has been responsible for the development of numerous tea, rubber and coffee plantations. Indeed, so important a place do these industries occupy that the large planting community has been given separate representation in the legislative council of the province.

74. Madras may be divided into several areas according to the predominance of particular languages. The principal languages are Tamil and Telugu, which are spoken by 18 and 16 millions respectively. Malayalam is the language of over 3 millions in the Indian States of Travancore and Cochin

and the adjoining British district of Malabar, and Kanarese is spoken in the districts bordering on Mysore and the Bombay Presidency; while in the extreme north-east of the province there are several Oriya-speaking areas. These linguistic differences have during recent years assumed considerable political importance owing to the separatist tendencies which they have fostered. With the movement for linguistic amalgamation we shall have occasion to deal elsewhere. The demand for the formation of an Andhra or Telugu province, which was first put forward seventeen years ago at a conference of Telugu-speaking districts, has been persistent for many years and has now become an important political issue. It has on two occasions during recent years become the subject of a formal debate in the Madras Legislature, which has by fairly large majorities endorsed the proposal for the constitution of a separate Andhra province.

The social cleavages in this province are of no less importance than the linguistic, and they have already exercised a profound influence on the political situation and on the grouping of parties. We shall confine ourselves here to a few statistical details about the principal communities.

Hindus form the bulk of the population, but of the 37½ millions returned in the census as Hindus, some six millions belong to the depressed classes. Muhammadans form less than 7 per cent. of the population. They include the important community of Mappillas (Moplahs) on the west coast, mainly consisting of descendants of Arab sailors and of converts from Hindu outcasts. The fanaticism of the Mappillas, often stimulated by agrarian discontent, has been a frequent source of disturbance to the peace and quiet of the west coast. Christians, thanks largely to the proselytising activities of missionaries who began to come with the Portuguese and other trading settlers, are more numerous in Madras than in any other province of India, though they number less than a million and a half.

Madras Agency Area.

75. In the north-east of the Presidency is a hilly and unhealthy tract of country lying between the Eastern Ghats and the boundary of the Central Provinces and Orissa (coloured purple in the map of India at the end of this volume) which is excluded from the operation of the Reforms. This is the Madras "Agency area." It falls within the three districts of Ganjam, Vizagapatam and East Godavari whose Collectors administer it, as agents of the Governor in Council, in accordance with a code of regulations prescribed under special laws to suit the primitive character of its inhabitants. These tribes follow their own animistic and tribal faiths Their country has hitherto remained entirely undeveloped. While not aggressive, they are excitable and easily stirred to resentment against economic oppression or unsuitable administrative measures. The last of

the local rebellions in this area occurred as late as 1922 and was only suppressed two years later with the help of a strong detachment of the Assam Rifles.

The Laccadive Islands and Minicoy, which are inhabited by primitive peoples living in a patriarchal stage of civilisation, are also administered by the Governor in Council of Madras as a "backward tract" in accordance with simple and elastic regulations.

The Presidency of Bombay.

76. The Presidency of Bombay—intermediate in size between Madras and Bengal—has a population of under 20 millions, which is less than half that of either of its sister Presidencies. It is a composite province, even if Sind, added to it as an after-thought, be left out of account. Apart from Sind, its boundaries were settled, almost on the present lines, in 1818 after the third Mahratta war. Its territories include Gujerat, the Mahratta country, and the Karnatak, each with its own prevailing tongue. These are together known as "the Presidency proper," between which and Sind there is interposed an extensive non-British area, including the Kathiawar peninsula, with its extremely numerous Indian States.

East of the line of the Western Ghats stretches the plateau known as the Deccan, at the southern end of which the Karnatak lies. Its inhabitants are racially allied to peoples further south, and particularly to those who speak the same language of Kanarese. Though now content to stay at home and cultivate their land, the Kanarese-speaking people have memories of the ancient Hindu kingdom of Vijayanagar and the Kanarese dynasties which preceded it, and take a jealous pride in their distinctive culture.

The Mahrattas are a warrior race. The Brahmins who live in the same country are distinguished both for their practical ability and for their love of learning. Neither Brahmin nor Mahratta has shown any marked aptitude for trade and industry. These two elements in combination attained, shortly before the establishment of British authority, a dominion over the greater part of India, reaching to Cape Comorin in the south and to the gates of Calcutta in the east. The States of Baroda, Gwalior and Indore are among the territories which have to this day remained in Mahratta hands.

From the sea-faring races of the western coast, predominantly Muhammadan in origin, are recruited many of the lascars, who man ships traversing eastern waters. The trading races of Gujerat are known all over India, whether they are Borahs, Khojas, Banias, Bhattias or Jains. The Parsis, whose homes are now predominantly in Bombay City, are another famous commercial community established in the same area. It is principally men of these races who have co-operated with the European to a degree unexampled elsewhere to make of Bombay

a city of Indian wealth and culture. Indian finance and enterprise, centred in Bombay, are chiefly responsible not only for the three great hydro-electric works which supply power from the Western Ghats to the city, and for the majority of the textile mills of the Presidency, but for undertakings as far afield as the ironworks of Jamshedpur in the Province of Bihar and Orissa and the cotton factories of Nagpur in the Central Provinces. In projects of this magnitude, the Parsis—who took early advantage of western education and first became famous in industry as builders of teak ships—still predominate. Nowadays in Bombay Gujerathis compete with Europeans in banking, insurance, trade and finance of all kinds. The rise to wealth of men of these races is, however, recent; possessions are in the hands of a few; and the relations between the industrial and the manual workers have been marked by constant and disastrous strikes.

In no province of India is there so large a proportion of urban dwellers as in the Presidency of Bombay. Bombay City, with its 1,200,000 inhabitants, is nearly as big as Calcutta and is the third city in the Empire. A natural cleavage of interest exists between it and the rest of the Presidency and especially between it and the rural areas. But such is the financial and intellectual dominance of the city that it can well hold its own. We shall have to point out hereafter how the taxation of trading profits is a source of income to the Central Government while the cultivator, rich and poor alike, pays to the province the land revenue which forms a large part of the common funds drawn upon for the needs both of city and countryside.

SIND.

77. Completely separated from the "Presidency proper" by a wedge of non-British territory, is Sind—an area of nearly 50,000 square miles with a population of over three millions. The ordinary method by which, whether for the purposes of business or government, one passes between Bombay and Karachi, the port of Sind, is by sea. Railway communication involves a long detour, usually via Lahore.

The physical detachment of what has always been known, since its conquest by Napier in 1842, as the "Province of Sind" from the remainder of the Bombay Presidency is emphasised by the vastly different character of the country and its people. The "Presidency proper" receives the full brunt of the monsoon and is largely a land of mountain and forest. But for the Indus, Sind would be entirely desert. The Presidency, apart from Sind, is predominantly Hindu; before the British came its Mahratta fighting men were a bulwark against the Moslem invaders; whereas three-quarters of the inhabitants of Sind are Muhammadan. In its life and civilisation Sind is more closely allied to Iraq or Arabia than to India.

These differences are reflected in the administrative system applied to the two areas. Sind constitutes one separate administrative "division"; and the Presidency proper—excluding Bombay City and its suburbs—comprises three. But the Commissioner in Sind (the preposition is significant) enjoys a status and authority much greater than the Commissioners of the other three divisions. His residence in Karachi is known as Government House, and he is in charge not only of the revenue administration (which naturally differs greatly from the system in the rest of the Presidency and leaves the Commissioner very large discretion) but of many departments such as Police and Excise which elsewhere in the Presidency look to their own departmental heads—the Inspector General of Police and the Commissioner of Excise. Similarly, in judicial matters the High Court of Bombay has no jurisdiction in Sind. The Court of the Judicial Commissioner of Sind is the highest court in Sind province, with appeal direct to the Privy Council, and it is proposed, as soon as finances permit, to convert the Judicial Commissioner's court into a Chief Court. There is no separation of finances, of course, between the two parts of the Presidency; both return members to the same legislature which holds its sessions at Bombay and Poona, and both areas draw their higher officers from a common source. Yet so distinctive is the character of Sind and so exacting its climate that the choice of personnel which this makes possible is none too large. It is difficult to see how, on the administrative side, dissociation could go much further without separation. There is, among the Hindu minority in Sind, a feeling that the independence of the Commissioner is too great, while on the Muhammadan side there is the well-known cry for separation from Bombay. This demand has gathered strength not so much in the homes of the people, or among the Muhammadan cultivators of Sind, as among leaders of Muhammadan thought all over India, to whom the idea of a new Moslem province, contiguous to the predominantly Moslem areas of Baluchistan, the North-West Frontier Province and the Punjab, naturally appeals as offering a stronghold against the fear of Hindu domination. We shall make some reference to this controversy in our second volume.

Sind is small in wealth and population. The rapid growth in the import and export trade of Karachi (the third maritime port of India, if Rangoon be excluded, and now the principal air port), does not greatly affect the prosperity of the province as a whole. But great promise of growth is held out for the future. A capital sum of sixteen million pounds is being sunk in the "Sukkur Barrage and Canals Construction" now in course of completion on the Indus, at a point some four hundred miles from the sea. It is expected that the cultivated area of the province will be raised from two and a quarter million acres to nearly six million acres, and an assured water supply substituted for a scanty and precarious one.

The dimensions of this undertaking and its seven canals, several of them broader than the Suez Canal and very much longer, are stupendous. The plan provides that irrigation will begin in two years from now; the works are to be completed in 1934; and it is calculated that a profit should be realised, over and above the fixed interest on the capital sum invested, by 1946. Of course this great transformation of Sind does not end with the completion of the barrage and its canals; the increased production of crops would be nearly useless without new railways and new roads: and there is no branch of the administration which will not require great expansion. The question of the separation of Sind is, therefore, being raised at a moment when an enormous outlay of capital borrowed on the credit of the Government of India is not yet earning revenue, and when problems of administration and readjustment on the largest scale have to be faced.

The Presidency of Bengal.

78. Bengal is the political unit of British India which has experienced more changes of boundary than any other. Originally known as the Presidency of Fort William in Bengal, it acquired by Lord North's Regulating Act of 1773 a primacy over the other Presidencies. Calcutta remained the capital of India till this was transferred to Delhi in 1911; and the Supreme Court of Bengal remains to this day in a special position in relation to the Government of India. At different times, the Bengal Presidency has included Bihar, Orissa, Assam and Agra.

Lord Curzon's proposal for the partition of Bengal by separating from it Eastern Bengal and creating a new province of Eastern Bengal and Assam, with Dacca as its capital, was put into operation in 1905, but the decision was reversed in 1911, when the Chief Commissionership of Assam was restored, and the new province of Bihar and Orissa carved out.

The present shape of the Presidency of Bengal is the result of these rearrangements. It is now the smallest in area of the Governors' provinces except Assam, but has more inhabitants than any other province, and the average density of its population of 46½ millions slightly exceeds that of Great Britain. It is physically a more homogeneous unit than any other Governor's province. Excluding the comparatively small and sparsely populated hill areas of Darjeeling on the north and Tripura State and Chittagong on the east, the province—which may be roughly described as made up of the combined deltas of the Ganges and the Brahmaputra—is a fertile alluvial plain low lying and intersected in the southern portion by a maze of rivers and creeks. In parts of Eastern Bengal during the rains communication is possible only by boat. The Sundarbans, bordering the mouths of the Ganges, are a region of swamps and stunted forests.

Racially and linguistically, no less than geographically, Bengal is more homogeneous than the other great areas of India.

Though religious and cultural differences make it no less difficult in Bengal than elsewhere for Hindus and Muhammadans to unite socially or politically, it is generally held that only a small proportion of the Muhammadans of Bengal are descended from foreign Moslem invaders. Their ancestors were largely converts from Hinduism.

Roughly speaking the Muhammadans are concentrated in the east, and the Hindus in the west of the Presidency. But even in Eastern Bengal, the town population is largely Hindu. Among the landlords Hindus predominate. The Muhammadans are markedly more backward educationally, and on the average are also economically below the standard of the Hindus, as is illustrated by the fact that though they form a clear majority of the population (54.6 per cent.) they are in a minority (45.1 per cent.) among the voters in the general constituencies. Eastern Bengal comprises the most fertile and also the most thickly populated districts. There are some rural areas with over a thousand inhabitants to the square mile. In central Bengal deltaic action is ceasing and the population has, on the whole, been stationary. Eastern and central Bengal comprise the main jute-producing areas, not only of Bengal but of the world; for jute is practically a Bengal monopoly. The jute industry is less than 80 years old and its progress is most remarkable. The first mill was started in 1855 and the first power loom in 1859. By 1909 the out-turn was 2,500 tons a day, and it is now 4,000 tons. The value of exported jute manufactures has increased thirtyfold in forty years. In the northern parts of Bengal, such as Darjeeling and Jalpaiguri, lie important tea districts; and in the west of the Burdwan division is a coal producing area.

An important factor in the economic life of Bengal is the "permanent settlement" of the land revenue. We defer an account of this till Chapter 2 of Part V of this volume.

CALCUTTA.

79. The City of Calcutta, with a population, including its suburbs, of about 1,300,000, is in one sense an exotic, for it owes its origin as a great city to commercial enterprise in which the Bengalis have played little part. Even to-day the great jute mills on its outskirts are mainly controlled by Europeans, and the bulk of the Indian labour employed in them comes from outside the province. The Bengali generally has not taken to factory or mill work; he leaves that almost entirely to the Oriya and up-country coolie or artisan. At the same time, Calcutta has become a great Hindu intellectual and political centre; with its newspapers and its enormous university, it exercises a profound influence over the views of the province—an influence which naturally does not stop at its boundaries. The quick and receptive mind of the Bengali readily absorbs education of a westernised type, and a problem of great perplexity is presented by those of the Hindu middle class (or more correctly Hindu *bhadralog*) who, often at great sacrifice,

have been trained for clerical and professional careers in numbers enormously in excess of the amount of work of this type which is available. It is not surprising that many of them turn for an outlet to the political arena deeply imbued with hostility to the present régime.

The dominance of Calcutta is so great that it is well to recall that, outside it, only 4 per cent. of the population of Bengal is urban. Dacca, the only other city, has about 120,000 inhabitants. Only two other towns have as many as 50,000. Except for those who live in the headquarters town of a district, or at a railway or steamer junction or terminus, the bulk of the population lives in agricultural villages—no fewer than twelve millions of people are distributed in 59,000 hamlets of fewer than 500 inhabitants each.

A problem confronting Bengal, which is no less important and no less difficult than any question of its political future, is the scourge of malaria. Malaria is endemic in many other parts of India besides Bengal, but probably nowhere else are its ravages on such a widespread scale. It is hardly possible to over-estimate its effects in lowering the vitality of the population. Though this subject is outside our own sphere, we must call attention to the study "Malaria and Agriculture in Bengal" published in 1925 by the Director of Public Health of the province.

Backward Tracts of Bengal.

80. On the extreme north of the Presidency bordering upon Nepal and Sikkim, and again at its south-eastern extremity marching with Assam and Burma, lies a "backward tract"—the Darjeeling district and the Chittagong Hill Tracts respectively. These areas are under special administrative arrangements and are not within the full operation of the provincial Reforms. Part of the Darjeeling district lies in the plains with a population mainly Bengali; the remainder is in the Himalayas, rising at one corner to 12,000 feet, and contains numerous hill-tribes with religion, customs, and language quite distinct from the rest of Bengal.

The Chittagong Hill Tracts consist of parallel ranges of hills largely covered by virgin forest. Only a tenth of the area is cultivated. A piece of forest is cleared and burned, and when the rains soften the ground the crops are sown. As soon as the fertilising effect of the ashes has passed away, the process is repeated in a fresh area. The population is about 170,000 and the people are as primitive as their agricultural methods.

The United Provinces of Agra and Oudh.

81. The two Provinces of Agra and of Oudh, which are now combined in a single Governor's Province, had a diverse origin. Agra was part of the old Presidency of Fort William (i.e., Bengal) till 1834, when it became a separate administration.

Oudh was annexed in 1856, and remained a separate administration until 1877, when it came under the same charge as Agra. In 1902 the combined area became known as the United Provinces of Agra and Oudh under a Lieutenant-Governor, and in 1921 they were constituted a Governor's Province. The Agra sub-province is much the larger of the two, and contains 36 out of the 48 districts into which the United Provinces is divided.

The province stretches between Bihar on the east and Delhi and the Punjab on the west, and from Nepal and the Himalayas on the north to the low ranges of Central India on the south. The greater part of the province consists of the fertile and densely populated plain of the Ganges and of its tributaries the Jumna and the Gogra. The density ranges from 512 persons per square mile in the west to 718 in the east. The total population, like the total area, is not far short of that of the British Isles.

Set in the centre of Northern India, this is perhaps the most typically Indian of all the provinces. The great mass of the population are peasants tilling the soil in their ancestral villages, with few interests outside the round of village life. Only 10 per cent. live in towns, though seven of these towns have a population exceeding 100,000. The most important industrial centre is Cawnpore (population 216,000), with its textile mills and tanneries. But no province has a more distinguished list of towns of historic or religious interest. Agra rivalled Delhi and Lahore as a centre of the Mogul Empire; Lucknow contains the palaces of the old rulers of Oudh; and cities like Benares, Hardwar, Ajodhia, Allahabad and Muttra attract year by year a multitude of pilgrims to the sacred places of their faith. The United Provinces contains four universities—Benares, Aligarh, Lucknow, and Agra.

Racially the population of the province is in the main homogeneous. A peasant on the Bihar border differs no doubt in many ways from one close to the Delhi Province, but there is no abrupt change of type and culture, and there is nothing corresponding to the contrasting races that are combined under one administration in a province like Bihar and Orissa. On the other hand, there are communal differences that are all the more serious because in northern provinces like the United Provinces and the Punjab, the more virile races resort more readily to violent methods for resolving their differences. The Muhammadan population is no more than 14 per cent. of the whole, but it is concentrated in the towns, where 37 per cent. of the population is Muhammadan. For this and other reasons the power and influence of the Moslem community in the province cannot be measured simply by its numerical proportions.

The provincial Government reports that the province is backward in mass education. " The test of literacy at the last census was the simple one of ability to write a letter to a friend and to read the answer. Even so, only 3.7 per cent. of the total

population were returned as literate, only 6·5 per cent. of the male population, and only 9 per cent. of that portion of the population which was twenty years of age or over. Among females only six in every thousand satisfied the test. These figures show how little the people are able to avail themselves even of such means as there are of acquiring information as to what is going on in the world outside their own immediate neighbourhood."*

THE GREAT LANDHOLDERS.

82. A noteworthy feature of the social organisation of the province is the number of great landholders. Whereas the Punjab is a province of peasant proprietors, the land in the United Provinces, and in particular in Oudh, is held from Government by a relatively small number of individuals. The estates of these "Taluqdars" of Oudh number no more than 260, but they comprise two-thirds of the area of Oudh, and pay about one-sixth of the land revenue of the United Provinces. Some of the Taluqdars represent the old conquering Rajput families with an ancestry dating back to the 9th century. In the chronic anarchy which marked the closing stages of the Kingdom of Oudh, the larger Taluqdars occupied a position which at times amounted to virtual independence, and their disputes with the Court and its agents over the payment of revenue contributed to the atmosphere of misrule which finally led to the annexation of Oudh in 1856. The most powerful of the Taluqdars own hundreds of villages and enjoy very large incomes. Their wealth, their social status, and the control they exercise over their tenants give these "Barons of Oudh" a position of very great influence in their area. They comprise members of both the major communities, and their common interests cut across the communal divisions.

The Zemindars of the Agra province also form a landed aristocracy of special importance. They were at one time less well organised than the Taluqdars of Oudh, who have gained cohesion by their membership of the British Indian Association, and have magnificent headquarters in the Kaiserbagh at Lucknow. Government collects from the Taluqdars a cess, half of which goes to the Association and half to educational institutions for their families. But the Zemindars of Agra now have their Association, also, with headquarters at Allahabad.

Agrarian questions have from time to time presented difficult problems for the Government of the province. Up to 1921 the tenants of the great landholders in Oudh had no security of tenure beyond a seven years' period, and had to pay very large premiums to secure renewal. Agrarian trouble on a large scale was threatened, and in 1921 an Act was passed securing a life tenure for the tenant. In Agra the position of the tenant was more favourable, and agrarian agitation was never so serious

* See Volume IX, p. 2, Memorandum of the United Provinces Government.

as in Oudh; but here, too, the opposing interests of landlord and tenant offer serious difficulties for the Government and the Legislature.

The Punjab.

83. The Punjab was the last of the Governors' provinces of India proper to come under British control. Together with the North-West Frontier Province, which was not separated from it until Lord Curzon's decision of 1901, it has always borne the brunt of attacks made upon India through the defiles of the North West. Little more than a hundred years ago, the Afghans not only held Peshawar, but penetrated across the Indus to Multan, and it was only the rising strength of the Sikh confederation under Ranjit Singh that drove them out of the western areas of the present province and back through the passes.

The province occupies the great north-western plain of India through which the main tributaries of the Upper Indus flow. These are the Sutlej, the Beas, the Ravi, the Chenab and the Jhelum—the five rivers which give the province its name. It extends from the Himalayas in the north to the desert country of Rajputana in the south, and from the Upper Ganges Valley on the east to the Indus on the west. There is one trans-Indus district. The province is completely landlocked and the main outlet for its produce is the port of Karachi in Sind, about 750 miles distant by rail from Lahore, the capital of the province, and one of the most important railway junctions in India.

The northern submontane tracts have a good rainfall and are thickly populated, but as the southern desert is approached, the natural conditions of the province deteriorate. Between the great rivers are tracts which, if left to themselves, would be arid scrub-covered country incapable of supporting more than a few nomads. But the efforts of a succession of great engineers have changed all this. The surplus waters of the rivers, which are fed from the snows of the Himalayas, have been diverted by a wonderful system of canals, and now irrigate great tracts that were formerly barren. The " canal colonies " created in this way rival in prosperity the northern districts blessed by better natural conditions. They are indeed the most prosperous areas in the province, and the trend of surplus rural population is towards these colonies and not to the towns. Irrigation has changed the Punjab from a poor province, exposed to recurring famines, into one of the most prosperous and progressive provinces in India.

In area the Punjab is a little larger than Great Britain and its population at the census of 1921 was over 20 millions. There are only two towns with a population of more than 100,000, Lahore and Amritsar.. At least 90 per cent. of the total population lives in villages and 60 per cent. is supported by agriculture. It is a country of peasant proprietors; there are, it is true, a

considerable number of small landlords living on the rent of their lands, but the large landowner of the type common in the United Provinces and elsewhere in India is rare.

Agricultural Tribes.

84. The special position secured to what are known as "agricultural tribes" is a notable feature in the social economy of the province. The Punjab Land Alienation Act prevents the sale, or mortgage (except under strict conditions) of land by a member of such a tribe to anyone who is not a member of the same group of agricultural tribes in the same district. The object of the Act was, we understand, to protect tribal groups who cultivated land as their main occupation from the alienation of their land to the monied and urban classes. The importance of its operation will be better understood if we point out that large classes of Hindus are not included in the schedule of agricultural tribes. The Act has had the effect of creating among the rural classes a strong sense of common interest which to some extent cuts across communal divisions. It has been estimated that the agricultural tribes amount to about half the total population and to five-sixths of the population supported by agriculture. They are not confined to one community —for example, the Jats, the most important of the agricultural tribes, is made up of 2¼ million Muhammadans, 1¼ million Sikhs and 1 million Hindus.

Communal Distribution.

85. The distribution of the population by religions is noteworthy because of its bearing on the communal question, which is acute in the province. Of the total of 20½ millions, 11½ are Muhammadans, 6½ Hindus and 2¼ Sikhs. Throughout the western districts the Muhammadans are in a majority; indeed, in the border districts adjoining the predominantly Muhammadan area of the North-West Frontier Province, Muhammadans make up 80 per cent. of the population. The south-eastern area adjoining the United Provinces shows a Hindu majority of at least 60 per cent. The main Sikh concentration is in the central Punjab. This was the centre of the Sikh power which held the Punjab before the British occupation in the middle of the last century. An important group of States under Sikh rulers adjoins the British territory of the province.

The problem of caste is happily of less importance in the Punjab than in some other provinces. The Punjab Government in its Memorandum prepared for the Commission, put the position thus*:

> "No one would desire to underrate the esteem with which certain Brahman families are regarded who have for generations served the administration under Mughal, Sikh and British rule, nor the respect bestowed on many learned men of this body; and in the ceremonies which attend all the

* Printed at pp. 7 and 8 of Volume X.

important occasions of a Hindu's life the Brahman has a well-defined part. Nevertheless it is strictly true to say that the Brahmans of the Punjab do not as such exert any greater political influence than, for instance, that wielded by the Khatris, the Hindu trading and professional community of the Central Punjab; and to speak of a non-Brahman party in the Punjab would have as little meaning as to talk of an ultra-montane party in England. Not only is it the case that the Brahman has no practical pre-eminence among Hindus, but as between 'caste' and 'non-caste' Hindus the distinction is not so strongly marked as to create the political problems found elsewhere in India. It is difficult indeed to determine from the census tables the exact numbers of those who though for census or voting purposes described as Hindus, yet fall so far short of the full status of Hindu as not ordinarily to be admitted to Hindu temples. The census of 1911 calculated that out of the total of 8,773,000 Hindus, some 2,268,000 might be technically regarded as belonging to untouchable castes; but untouchability was merely held to mean that food touched by them could not be eaten by high caste Hindus; it was only in the case of actual scavengers that bodily contact involved pollution. Access to the richer Hindu temples was closed to all the persons included in the figure given; minor temples were not closed to them; and in other respects there was a great variation in the degree of liberty given in social intercourse."

The religions of the Muhammadans and the Sikhs, who together form two-thirds of the population, do not recognise caste and within the Hindu community of the Punjab the pre-eminence of the higher castes is much less marked than elsewhere. The leather worker in the Punjab who seeks another occupation can quite definitely raise himself in the social scale. There are classes which are socially depressed on account of their occupation, but the political problem presented elsewhere by impassable caste divisions hardly exists.

MILITARY RECRUITMENT.

86. The sturdy and enterprising Punjabi has less aversion from emigration than the other Indian races and he is to be found in many parts of the East as soldier or policeman or settler. The Punjab is at all times pre-eminently the military recruiting ground of India. The number of Punjabis joining the colours in the War was so great that one man in 28 was mobilized and this single province provided a third of the whole contribution of India to the forces of the Empire.†

The enterprise of the Punjabi in peace and war has not been without effect upon his outlook. The sepoys who came to Europe with the Indian divisions at the outbreak of war saw the villages, the market places, the schools and the agriculture of the West and many of them returned to their homes with a new conception of what a rural community might be.

BACKWARD TRACTS.

In the north-east of the province, between Kashmir and the Simla hill States, lie the Himalayan valleys of Lahaul and Spiti. They are separated from the Punjab by high passes which admit of travel only in summer and contain a purely Tibetan population. They present no administrative problems and

† See below, p. 96.

their local affairs are satisfactorily transacted under a patriarchal dispensation. To preserve this simple form of administration these areas have been notified as "backward tracts" and excluded from the Reforms.

Bihar and Orissa.

87. The province of Bihar and Orissa, which was constituted in 1912, is the most artificial unit of all the Indian provinces. It was formed by bringing under a single administration three areas which differ markedly, not only in physical features, but in many racial, linguistic, and cultural characteristics.

Bihar, in the north, consists of an alluvial plain drained by the Ganges and its tributaries. It contains more than half the total population of the province, with Patna (120,000 inhabitants), the headquarters of the provincial Government, as its capital. Other large towns are Bhagalpur (69,000) and Gaya (68,000)—the latter an important centre of Hindu pilgrimage, with a famous shrine associated with events in the life of Buddha near by. Bihar bears a close resemblance from some points of view to western Bengal, and it had formed part of Bengal almost from the beginning of British administration until the final rearrangement in 1912. The bulk of the population is Hindu, and Hinduism has long ago absorbed such of the aboriginal races of that area as did not retire into the jungles. Hence arises part of the difficulty in determining what is the proper figure to give for the depressed classes in the province. The preponderance of rural over urban dwellers is very marked. There are practically no minerals in Bihar, and few large-scale industries; the indigo factories have ceased to be of much importance, though their place has been taken to some extent by sugar factories and rice mills.

At the other end of the province, in the south, and completely separated from Bihar by the Chota Nagpur plateau, lie the three coastal districts of Orissa. Though Orissa stretches along the Bay of Bengal for some three hundred miles, it has no port of any consequence. The tract is made up of the deltas of a number of large rivers, and agriculture suffers greatly from periodic floods. Its urban population, which is relatively more important than in the case of north Bihar or Chota Nagpur, is mostly concentrated in the two towns of Cuttack and Puri; the latter supports its population mainly by catering for pilgrims to the Jagannath temple, and for visitors who come to it as a health resort. The population of Orissa is almost entirely Hindu, Muhammadans accounting for less than 3 per cent. of the inhabitants. But whereas in Bihar Hindi or Urdu is practically the universal language, 96 per cent. of the population of Orissa speak Oriya. This Hindu holy land is the home of the Oriya race. Apart from spreading into a portion of adjoining Madras territory, the Oriya-speaking people have penetrated into a hinterland somewhat similar in character to the Chota

Nagpur plateau. The greater part of this hinterland is not British territory, but is held by the Orissa feudatory States. How artificial the union of Orissa with Bihar really is may be illustrated by the fact that the deputation from Orissa, which attended the Commission at Patna, made the journey by travelling via Calcutta. It is noteworthy that the great railway systems which connect Calcutta with the west and the south both pass through the province of Bihar and Orissa, but there is no convenient direct route between the northern and southern portions of the province.

Between Bihar on the north and Orissa on the south lies Chota Nagpur, with Ranchi as its principal town. It is a tableland rising to about 3,000 feet, with wooded hills and open uplands intersected by rich valleys. About half of its population consists of aboriginal and semi-aboriginal tribes. There is great variety in the languages spoken in the area; 30 per cent. of the population use Hindi, and about the same number Oriya, while in certain districts the prevailing tongue is one or other of the Munda or the Dravidian languages. The Chota Nagpur plateau, especially on its eastern side, is rich in minerals. It contains the most important coalfield in India, round Jharia, and at Jamshedpur are the great Tata iron and steel works, employing tens of thousands of men. The greater part of the unskilled labour at the industrial centres is drawn from the local aboriginal tribes, who also form an important recruiting ground for labour on tea estates in Assam. There are also tea gardens in the neighbourhood of Ranchi.

Excluded Areas of Bihar and Orissa.

88. If reference be made to the map of India at the end of this volume, it will be seen that a large proportion of this province—as also of Assam and Burma—is coloured purple as being " excluded " from the Reforms. The degree of exclusion of the various backward tracts in Bihar and Orissa is not uniform, the differences being due to the varying estimates formed of the degree of backwardness of the inhabitants. We shall have to describe in a later chapter the special systems of administration and legislation applied to these backward tracts; here we are only concerned to identify them and to indicate the features which make special treatment necessary. Owing to their large aboriginal population, the five districts of Chota Nagpur, together with the districts known as the Santal Parganas and Sambalpur, are partially excluded from the Reforms, and the district of Angul is wholly outside them. These backward races are commonly supposed to be remnants of pre-Aryan autochthonous peoples into whose strongholds in the hills and forests the invader found it difficult and unprofitable to penetrate. Some of them live by hunting, and by a type of shifting cultivation which we have described in writing of the backward tract of Chittagong in Bengal. In the valleys, the tribes have with great labour terraced isolated fields, producing abundant crops,

but at no time before the establishment of British rule were these plots coveted by the plainsman, for he could not have collected his rents from the occupiers. But the moneylender and the trader took advantage of the new reign of law to reduce the aboriginal owners to practical serfdom. We must refer for further details to the Memorandum on Backward Tracts prepared for us by the Bihar and Orissa Government.* The need for special provision and special protection is brought out in the following extract :—

> "They cannot compete against the subtler minds of the Aryan races that have in the past two or three centuries penetrated slowly into the country; their improvidence lays them open to the wiles of the moneylender; their lack of education and their distinctive languages place them at a great disadvantage in the Courts. When roused to action by real or fancied grievances their tribal organisation, where it survives, and elsewhere the solidarity of kinship make for a rapid spread of disaffection, while their childlike outlook makes the duty of restoring order a peculiarly distasteful one."

The most notable of such outbreaks in this province was the Santal rebellion of 1855. The application of the ordinary laws of Bengal had resulted in the aboriginals losing their lands to their creditors. The Santals organised a large body to march to Calcutta to present their grievances; their advance was marked by looting and violence, and a large punitive force was required to restore order. After the rebellion, the district was excluded from the operation of the general regulations, and received its own agrarian law and a distinct judicial system. These measures have not sufficed entirely to stop the penetration of the intruder, and in that part of the district which adjoins Bengal there is a considerable settlement of Bengalis who press for the removal of the barriers which have been set up to prevent exploitation of the aboriginals.

The district of Angul, which contains an aboriginal population of 74 per cent., lies in the midst of the Orissa States. The district came late into British hands, and from the first has received a distinctive system of administration.

The problem presented by the aboriginals of the Chota Nagpur plateau, which formed part of the inaccessible forest tract which the Aryan invaders called the "Jarkhand," is essentially similar. These primitive tribes amount to 58 per cent. of the population, and they nurse a resentment against the Hindu immigrants who, as they consider, have robbed them of their ancestral lands. Unrest, usually arising from agrarian causes but often assuming a religious complexion, is still endemic. It has occasionally led to the employment of regular troops. Christianity has made much progress among them, and we are greatly indebted for our information about this country to the representatives of the three important missions,—Anglican,

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* Printed at p. 332 onwards of Volume XII.

Roman, and Lutheran—who gave evidence before the Joint Conference. Between them these three missions claim 280,000 converts, drawn almost entirely from the aboriginal population, in the Ranchi district alone. The missions have made some inroads on the illiteracy of the aboriginals. The present position would seem to be that the protective measures taken, though by no means adequate in the eyes of many of those who know the aboriginal best, have given him a breathing space and stemmed the tide of exploitation, but that the constructive work of so educating him as to enable him to stand on his own feet has scarcely begun. He remains credulous and excitable, and almost as much as ever in need of special protection.

The Central Provinces.

89. The Central Provinces were constituted a separate province under that name in 1861. From 1903 till 1920 they were governed by a Chief Commissioner, and in the latter year became a Governor's province. In 1903 Berar, transferred by the Nizam to the British Government in perpetual lease, was added to the Chief Commissioner's charge. The Governor-General in Council is empowered by an Order in Council issued under the Foreign Jurisdiction Act, to apply to Berar any portion of the laws of British India. But the territory of Berar remains State territory; the Government of India Act has no operation within its boundaries. As a consequence, special constitutional arrangements have been made to fit it into a Governor's province. And the assimilation of methods of administration over the whole province has been carried so far that this difference would not be apparent to the ordinary citizen.

The Central Provinces with Berar form as it were an island, landlocked by Indian States. Of the total boundary, 2,780 miles long, only discontinuous strips totalling 340 miles march with British territory. Geographically, the whole area divides into a British and a non-British portion; linguistically, it is distributed between a Marathi-speaking and a Hindi-speaking population. The two lines of division do not coincide. In the whole of Berar and the districts of the Nagpur division the prevailing tongue is Marathi; in the remaining 14 districts of the province it is Hindi. The whole province is almost purely agricultural, and the soil of the plains in the Marathi area is of the rich " black cotton " kind. In this Marathi area lie the capital of the province, Nagpur, and a number of important cotton mills.

The Hindi area contains both wheat-producing plains and extensive hills and forests, and embraces a number of feudatory States. There are numerous hill tribes, of which the principal are the Gonds, many of whom still retain their own language and their own animistic religion. Of the population, 11 millions are in British territory, two millions in the feudatory States, and three millions in Berar—but the feudatory States

are nearly twice as large, and the British territory nearly five times as large, as Berar. In the whole province, the Hindi-speakers are 56 per cent., the Marathi-speakers 31 per cent. and the Gondi-speakers 7 per cent. of the population. The Mahrattas were the rulers of the whole country before the British came: the Marathi-speaking population not only holds the best land, but in spite of its inferiority in numbers contends on level terms with the Hindi element. In the Council, the eight Marathi districts return 25 members and the 14 Hindi districts 23, and it is only in the Marathi area that the cultivating classes offer any challenge to that predominance of the higher castes, which is characteristic of the undeveloped areas of India.

Special Position of Berar.

90. The anomalous position of Berar, as non-British territory over which legislation and administration deriving authority from British India nevertheless prevail, makes it convenient to depart from the general arrangement of our Report and to anticipate a later chapter by giving here some constitutional information.

Berar is represented in the Central Provinces Legislature by 17 of the 55 elected members. Since the Government of India Act does not apply to Berar, the constitutional difficulty is overcome by the formal nomination by the Governor of the candidates who are successful at the Berar elections. A corresponding device is employed in respect of the member whom Berar sends to the Council of State and the member whom it sends to the Assembly. Bills which become Acts on passing through all their stages in the Central Provinces Legislature apply only to the Central Provinces; but they may be afterwards applied by the Governor-General in Council to Berar, in exercise of his powers under the Foreign Jurisdiction Order. The Berar Legislative Committee has been constituted to consider Bills which affect Berar only; this class of legislation arises, for instance, from the fact that Berar has a land revenue system differing from that of the Central Provinces. It contains the 17 members elected to the provincial Legislature from Berar and seven other, principally official, members. Its functions are purely advisory. It takes into consideration only the drafts of laws which the Governor-General in Council places before it, and reports them to the Governor-General in Council through the provincial Government. The Governor-General in Council reserves full power to legislate for Berar as he thinks fit, but the Committee is stated to serve, as might be expected, a useful purpose in eliciting informed opinion on legislation affecting Berar.

The control which the Central Provinces Legislature and Government exercise over the revenues of Berar is derived from

the Devolution Rule* which allocates them to the Central Provinces Government as a source of provincial revenue. The allocation is coupled with the condition that due provision shall be made for necessary expenditure in Berar. This condition has been so faithfully observed that the provincial Government has formally adopted and pursued the policy of spending in Berar the same proportion of its revenues as it collects there, so far as the locales of revenue and expenditure are capable of ascertainment. Since Berar is so much the more wealthy partner, this policy has told very hardly on the Central Provinces.

EXCLUDED AREAS OF THE CENTRAL PROVINCES.

91. If the feudatory States be omitted, one-fifth of the Central Provinces is Government reserved forest. Leaving out both the feudatory States and Berar, one-quarter of the remaining territory—consisting of those parts which are coloured purple in the map at the end of this volume—is not subject to the Reforms. In these "excluded areas" the Scheduled Districts Act reserves to the Executive the sole power of deciding what laws shall be applied, but they are not "backward tracts" in the constitutional sense. These territories do not form part of any constituencies, but are subject to the authority of Ministers and have recently been included within the area of operation of the provincial Local Self-Government Act. Their extent was diminished in 1926 when the Mandla district, formerly an excluded area, was formed into a constituency returning a member to the provincial legislature, and we have been informed by the provincial Government that all these excluded areas are now fit to be treated as part and parcel of the rest of the province.

Assam.

92. Assam, the smallest and, apart from Burma, the least developed of the Governors' provinces, is in its history and to some extent in its administration interlocked with its much older and larger neighbour Bengal. It was originally constituted as a separate province in 1874 in order to relieve the Lieutenant-Governor of Bengal of a portion of the huge territory then under his charge. On the partition of Bengal in 1905, the area became part of the new province of Eastern Bengal and Assam, but when this arrangement was reversed in 1912 Assam again became a separate unit. It is the only Governor's province without a university† and it has no High Court of its own, as the High Court of Bengal still retains its jurisdiction over Assam.

These special features are explained by the fact that the effective size of the province of Assam is far smaller than its

* D.R. 14 (2).

† Calcutta University, which was founded in 1857, has from the beginning covered the Assam area. Colleges at Gauhati and Sylhet are affiliated to the University.

total area would suggest, for of its 77,500 square miles more than half is made up of hill and frontier tracts sparsely populated and still in large measure unsurveyed. The rest of the province consists of two valleys, the Brahmaputra (or Assam) valley and the Surma valley, which together contain over 6½ millions out of a total population for the British area of the province of about 7½ millions. Bengalis number 3½ millions and Assamese 1¾ millions, and almost all of these are found in the two valleys. On the east is the Indian State of Manipur with 384,000 inhabitants. The capital of the province is the beautifully situated town of Shillong, lying at a height of 5,000 feet among the Khasi and Jaintia hills which form part of the densely wooded range separating the two main valleys from each other. The area of Shillong covers both British and non-British territory, and provides the only example of a municipality or of a local board in any of the hill districts of Assam. The variety of races represented by the inhabitants of Shillong is remarkable—Khasis, Bengalis, Assamese, Madrasis, Sikhs, Pathans, Chinese, and Gurkhas are amongst them.

The development of the province, by the taking up of land for ordinary agriculture and for tea-gardens, has been very rapid in the Assam valley, where there was an increase of population of more than a million in the period of 1901-1921. A similar, but less considerable, increase has taken place in the Surma valley. In some districts the Bengali element preponderates—for example, in Goalpara at the lower end of the Assam valley, and in Sylhet, which is the larger of the two districts in the Surma valley. In both of these areas there has been at different times a movement in favour of secession from Assam and union with Bengal—a change which, if it came about, would materially reduce the effective area and the population of the province. Sylhet contains 2½ million inhabitants, with a preponderance of Muhammadans, and covers over 5,000 square miles; Goalpara is nearly 4,000 square miles in extent, and has a population of nearly three quarters of a million. In the case of Goalpara the movement for separation is led by the zemindars of the district, who are not satisfied that their interests are in safe keeping in a legislature with so large an Assamese element. The Assam Council at one time actually passed a resolution purporting to recommend the transfer of Sylhet to Bengal, but it is naturally concerned as to the effect which loss of territory might have upon the status of the province. Doubts on this point may have helped to produce the revulsion of feeling shown by a more recent resolution which demanded that Sylhet should continue to form part of Assam. Muhammadans, whose proportion in the population is continually rising with the increase of immigrants from eastern Bengal, appear to be solidly opposed to transfer.

The Assam Tea Industry.

93. The tea-growing districts of Assam are of very great importance, and the tea industry is the outstanding feature in the development of the province. It is this industry which has mainly led to the repopulation of the Assam valley and to the reclamation of fertile tracts from jungle. About three-fourths of the capital invested in the industry is European, the total area taken up for tea estates is over 1½ million acres, and the labour population residing on the estates exceeds one million, more than half of whom are adults. The Commission was informed that more than half a million ex-tea-garden coolies have settled in the province, many of them holding plots of their own for the growing of rice. The European tea-planters maintain an elaborate organisation for the recruiting of labour from various parts of India, especially from Chota Nagpur and Madras, and the representatives of the Assam branch of the Indian Tea Association, who appeared before the Commission, put the cost of imported labour at £20 per head. It should be noted that the labour population on the tea estates is largely Animist, and has little or nothing in common with the Hindu element on the voters' roll. The population of the plains, apart from the tea-garden labour forces, includes many interesting races. There are 200,000 Ahoms who represent the former ruling race of the Brahmaputra valley; about 100,000 Nepalis find employment in the province, mostly as graziers; there are indigenous Kukis and others; and large numbers belonging to the depressed classes of Hindus.

Backward Tracts of Assam.

94. The backward tracts† of Assam are of great importance and extent, and nowhere in India is the contrast between the life and outlook of these wild hillmen and the totally distinct civilisation of the plains more manifest. The main areas classed as backward tracts are the Lushai hills, the Naga hills, the Garo hills, the north Cachar hills, and the British portion of the Khasi and Jaintia hills. To these must be added the Lakhimpur frontier tract, the Balipara frontier tract, and the Sadiya frontier tract—the last running up to the Abor country and the borders of Tibet. The Commission was fortunate enough to be able to pay a visit to some of these tribes beyond Dibrugarh, and also met a large assemblage of them at Kohima, in the heart of the Naga country. No description can convey to the reader the striking impression produced by these gatherings, or the difficulty of fitting the needs and interests of such people into a constitutional scheme. These races must be among the most picturesque in the world, and until their energies are sapped by contact with civilisation they remain among the most light-hearted and virile. To the economic self-sufficiency of the indigenous hill races—the Nagas, Kukis, Mishmis, and the rest

† These areas are coloured purple on the map at the end of this volume. A large scale map of Assam will be found on page 78 of volume XIV.

—the tea-planter and the immigrant Bengali alike constitute a real danger. To the loss of self-respect, of confidence in their warlike prowess, of belief in their tribal gods, and of unfettered enjoyment in their patriarchal (or rather, in some tribes, matriarchal) customs—changes which tend to exterminate so many primitive races—there has now been added the curtailment of freedom to burn down the forest and sow seeds in its ashes. The process has already begun, and the best judges doubt how far the recent quiescence of the hill tribes—for the last expedition against them was in 1918—is due to contentment. If progress is to benefit, and not to destroy, these people, it must come about gradually, and the adjustment of their needs with the interests of the immigrant will provide a problem of great complexity and importance for many generations to come.

The great majority of the hill tribes are far from forgetting their warlike past, with its long record of raids upon the plains. Many of them probably regard the *pax Britannica* as a passing inconvenience. The confidence of the plainsman evidenced by the continual immigration and the breaking up of virgin soil is equally a recent feature. The only regular forces in Assam are two battalions stationed at Shillong far from the frontier. Peace in the frontier districts is immediately dependent on the five battalions of the Assam Rifles. One of these battalions is stationed at Aijal in the Lushai hills, and has an outpost at Tuipang overlooking an area under loose political control whence Lushais and Lakhers made three murderous raids in 1917. Another is at Sadiya, with outposts along the foot of hills inhabited by Abors, Miris, Mishmis, Khamtis, and Singphos—the last Mishmi raid was in 1918-19; a third is at Kohima among the Nagas, many of whom still indulge in inter-tribal war; a fourth at Imphal in Manipur State, where the Kuki rebellion eleven years ago resulted in military operations on a large scale; and the fifth battalion in the Balipara frontier tract serves to keep in check the independent Aka, Dafla, Apatanang and Hill Miri tribes, whose last serious raid was made in 1918. The composition of the Assam Rifles is nominally one half Gurkhas and the other half natives of the province. But the Assam plainsmen are loth to enlist; of the hill tribes at present only Lushais and Kukis come forward, and they will not serve outside their own area. There is a danger in recruiting too largely from hill tribes for service against their own kith and kin, and recruiting difficulties are serious. But the discipline and efficiency of these frontier defence battalions is at present high, and during the Great War they trained and supplied drafts for the regular army. Though one duty of the force is to maintain order among the hill tribes of the directly administered areas, its primary duty is the defence of the frontier. In recognition

of this fact the Government of India pays four-fifths of the cost of the battalions.

Burma.

95. "Burma," wrote the authors of the Joint Report, "is not India," and for the reasons stated in paragraph 198 of that document, they "set aside the problem of Burma's political evolution for separate and future consideration." The Joint Select Committee heard evidence as to the inclusion of Burma as a Governor's province within the Government of India Bill, and advised that it should not be included within the scheme. The members of the Committee stated in their Report :—

> "They do not doubt but that the Burmese have deserved and should receive a constitution analogous to that provided in this Bill for their Indian fellow-subjects. But Burma is only by accident part of the responsibility of the Governor-General of India. The Burmese are as distinct from the Indians in race and language as they are from the British."

It was not till 1921 that it was decided to bring Burma within the purview of the Government of India Act, on a line with other provinces. Meanwhile, great dissatisfaction was caused in Burma by the delay and by the belief that a smaller measure of advance was to be granted than was already in force at the time in India in the shape of dyarchy. A special Committee, presided over by Sir Frederick Whyte, visited Burma in 1921, its recommendations were in the main approved, and the constitution of Burma as a Governor's province came into operation at the beginning of 1923. It must not be assumed that the introduction of analogous reforms into Burma indicated that Burma had decided to throw in its lot with the rest of India, and in our second volume we shall have to discuss the difficult problem of Burma's future. The changes which came into effect in 1923 at any rate secured that Burma received what others had already attained, but the fundamental difference between Burma and the rest of India remains. The Statutory Commission has visited Burma and taken evidence there; it has travelled, by rail and by water, considerable distances, and has taken the opportunity of seeing what it could both of the village life and of the industrial enterprises of that country—the oilfields, the great port of Rangoon, the former capital Mandalay, and some other towns in the Irrawaddy valley. We must endeavour to bring home to the British Parliament and the British people in what the difference between Burma and the rest of India essentially consists.

In the first place, the Burmese live in a country which geographically is quite distinct from India, and is cut off from it by sea, mountain and jungle. Its land frontiers form a practically impassable barrier, and it is invariably reached from India by sea, Rangoon being 700 miles from Calcutta, and 1,000 miles from Madras. The association of Burma with India under a single government is, as the Joint Select Committee

observed, accidental; that is to say, the former rulers of India never ruled over Burma, and Burma was included in the charge of the Governor-General purely as a matter of administrative convenience.

From the earliest historical times (say from 1044 A.D., when Anawrata founded the Pagan dynasty) intercourse by sea between India and Burma seems to have been slight till the beginning of the nineteenth century. In spite of the destruction wrought by the Tartar invaders 400 years later, there still exist in the Pagan area, at a bend of the Irrawaddy, the remains of thousands of pagodas, mostly built in the classical period, 1044-1200 A.D., which are some of the most remarkable monuments of Buddhist devotion in the world, and stand as permanent witnesses of the distinctiveness of ancient Burmese civilisation. The people of Burma are entirely different from the peoples of India. They come from a different stock and have a different history. Their religion, languages, social system, manners and customs, and national dress are different, and they have a divergent outlook on life. No one who visits Burma after some experience of India can fail to be struck by the distinctive character not merely of Burmese habits, but of the whole Burman temperament. The cosmopolitan port of Rangoon contains, indeed, an Indian element, largely due to immigration from Madras, which is actually larger than its Burmese population, but the impression of difference is intensified as soon as one goes up country; and of the total population of Burma, which now exceeds 13 millions, Indians only amount to about 900,000, or under 7 per cent. It is noteworthy that nearly two-thirds of this Indian population consists of males; many Hindus marry Burmese women, and their children as a rule are brought up as Burmese and adopt the dress, manners and customs of the Burmese. This is not perhaps so much the case with Muhammadans, but even so, many of their descendants by Burmese wives also prefer to consider themselves to be Burmans rather than Indians. The frequent cry that the Indian is displacing the Burman is largely due to the numbers of Indians who can be seen landing at Rangoon, and to the concentration of the Indian element in certain urban areas. As the emigration and immigration statistics of the principal ports show, the Indian comes and goes, and the steady excess of Indian immigrants over Indian emigrants may be a measure rather of economic development than of any Indian penetration of Burma. If the Indian immigrant does stay he tends to be absorbed into the Burmese population. Whether he stays or returns, he often plays a part in the economic life of Burma which the Burman is not very willing to undertake for himself (for example, in providing coolie labour), for the Burman is not equally willing to face hard work for small pay.

The Unity of Burma.

96. To those whose experience has lain in other parts of India it is the homogeneity of Burma which is its most striking characteristic. The Burman, being a Buddhist, recognises none of the social divisions of caste and custom erected by Brahminism. The women of Burma occupy a position of freedom and independence unrivalled in India. Again, the educational and economic conditions of the Burmese are very uniform. The percentage of literacy according to the census of 1921 was 51 for men : Burma here owes its fortunate position principally to its monastic schools. The percentage of literacy among women is 11.2—more than five times the proportion for India as a whole. In secondary and higher education, however, Burma makes a very much poorer showing than India. Class antagonism is notably absent. From early days, apart from the royal house, there has been no aristocracy in Burma. Extremes, whether of wealth or of poverty, are far less marked than in any other province, and the average standard of living is decidedly higher in Burma than in India. The Burman, though remarkably proud of his race, feels no intense racial antipathies. Tolerance is a leading tenet of Buddhism, and the Burman is ordinarily free from bigotry or fanaticism. But serious crime is alarmingly prevalent. The percentage of convictions for theft is three and a half times that of the rest of India. The number of murders was 867 in 1926 and 825 in 1927. The police reports attribute most of them to an entire lack of self-control.

Burma is, moreover, as compared with other Indian provinces, remarkably uniform in race, language and religion. Indigenous races form 91 per cent. of the whole population. These, apart from the 9 million Burmans, consist principally of 1,200,000 Karens, one million Shans, 300,000 Chins and 150,000 Kachins. But except the Karens, these races live mainly in the frontier areas. The Karens alone of the minor races in the plains show no signs of absorption by the Burmese. They are chiefly to be found in the States of Karenni and the five British districts of Amherst, Thaton, Bassein, Myaungmya and Maubin. Of the total number of Christians in Burma (257,000), 178,000 are found among the Karens. The Karen race is somewhat despised by the Burman (as all non-Burman races are) but the Karen is said now to be held in much greater respect than formerly.

Of the non-indigenous races the Chinese (150,000), the Indo-Burmans (120,000), the Indians (887,000), Europeans (8,000), and the Anglo-Indians (17,000), are the most important. The languages spoken in Burma closely follow the race divisions. The Karens, Shans, Chins and Kachins, each speak their own language. But though as many as 128 indigenous tongues are distinguished in the province, nearly seven-tenths of the whole population—and the proportion is growing—speak Burmese or a closely allied language. So slight are the differences of dialect

that Burmese speakers from all over the province can readily converse. The Burman, though a Buddhist, almost everywhere retains a belief in the spirits of the primitive pre-Buddhist religion which are called *nats*. These inhabit every village, forest or field. At the last census over 11 millions were returned as Buddhists and only 700,000 as Animists.

On the administrative side Burma is free from those complications to which the existence of Indian States gives rise in other provinces. The only non-British territory lies on its eastern border and is known as Karenni. It actually consists of three frontier States inhabited by Karens and Shans, with a combined area of 4,000 square miles and a population of 64,000. These States are under the political control of the Governor of Burma.

The Defence of Burma.

97. The land frontier of Burma on the east is so difficult that it seems scarcely possible for any large body of men to cross it. In contrast, therefore, with the north-western frontier, the defence of which is the constant anxiety of the Government of India and a vast drain upon its resources, the land frontiers of Burma are so comparatively secure that their defence has been entrusted principally to the provincial Government. The "Burma Military Police," a body of 10,000 men with 40 gazetted officers, though organised on military lines, forms a part of the general police force of the province. While constituting, therefore, an armed reserve to the civil police of the province in the preservation of internal order, its essential purpose is to maintain peace among the non-Burman tribes in the Shan States and other Hill Tracts and (like the Assam Rifles and the Frontier Militia of the North-West Frontier Province), to repel the raiders who occasionally cross the border. The Government of Burma receives from the Government of India a contribution which covers the greater part of its cost. Apart from this semi-military force, mainly recruited from the martial races of India and from the non-Burman inhabitants of the Hill Tracts, there are normally stationed in Burma only two infantry battalions and two companies of Sappers and Miners. Burma's accessibility by sea renders the reinforcement of its troops an easy matter. That, but for the existence of a powerful army in India, Burma would require more troops for its own security there can be little doubt. The troops stationed in Burma are, moreover, British and Indian troops. The strict economy enforced of late in the Indian military budget has left the Indian Government unwilling to continue the experiments which have from time to time been made with the recruiting of Burmans. Burmans are less amenable than the martial races of India to military discipline and Burman units are consequently at present more expensive and less efficient than Indian units. It has been found difficult to recruit Burmans even for the Military Police.

But Burman public opinion earnestly desires these experiments to continue and, were Burma responsible for her own military budget, would certainly aim at their continuance.

98. The Burman has so far been content to leave large-scale commerce and industry almost entirely in foreign hands. In Rangoon, which in the volume of its exports and imports ranks only below Calcutta and Bombay, two-thirds of the male inhabitants are Indians. Its principal exports are rice, oil, teak and hides. Its wealthy merchants are Europeans, Indians and Chinese. Of other cities only Mandalay had in 1921 a population exceeding 100,000. Mandalay is a predominantly Burmese city, but its industries are all of them on the village scale. Burma, however, is as yet a young country and it has great natural resources. Three-fifths of the total area of the province consists of forest and 17,000 square miles are still wholly unadministered. The density of the population in 1921 was only 57 per square mile (against the average for the whole of British India of 226, for England and Wales of 649, and for Scotland of 161).

Although the total area of Burma is no less than 230,000 square miles, with an extreme length of 1,300 miles and an extreme width of 700 miles, it has less than 2,000 miles of railway and about 2,000 miles of metalled roads. The Irrawaddy and other rivers are the natural highways of the country. The trade of its ports has enormously increased of recent years, and it seems to stand at the threshold of a very much greater development.

Excluded Areas of Burma.

99. As will be seen from the map at the end of the volume, the backward tracts of Burma are of great extent. The purple colouring, however, covers not only such areas as are administered as backward tracts, but the unadministered areas also—such for example as the " Triangle " in the extreme north-east where an expedition was recently undertaken for enforcing the release of slaves.

The largest and most homogeneous of the administered tracts is that known as the Shan States. Though so described, the Shan " States " are a part of British India, but administered by hereditary chiefs or Sawbwas, to whom in varying degree large criminal, civil and revenue powers over the population of their areas have been assigned. The Shan States account for 54,000, the whole backward tracts for about 88,000, and the unadministered areas for another 17,000 square miles of the total area of Burma. But the population of the Shan States is only 1½ millions; that of the rest of the backward tracts and unadministered areas is about five hundred thousand more. The Shan States have their own Commissioner, who superintends their administration on behalf of the Governor. They have recently been formed into a Federation which receives a fixed proportion

of the revenues of the component States and provides them with the more essential public services. The Federation pays to Burma a tribute of 2½ lakhs of rupees a year, and receives from Burma a subvention of 6½ lakhs. It has its own council, presided over by the Commissioner and attended by all the more important Sawbwas, which discusses the Federation budget and advises on the extension of laws to its territories. Apart from the Shan Federation, there are isolated Shan, Chin and Kachin areas, only one of which is large enough to form a self-contained district, the rest being superintended, on behalf of the Governor in Council, by the Deputy Commissioners of the districts within which they lie. The need of special qualifications and of long experience in the administration of the backward tracts has been recognised by the recent constitution of a separate Burma Frontier Service which now contains some 50 members.

The Commission met a number of the principal Sawbwas from the Shan States, and they appeared to be very well contented with their present system of administration. The dictum of the Burma Government on the Chin and Kachin hill tracts applies, we consider, to all the administered excluded tracts of Burma :—

> "These . . . areas are all unfitted to participate in a constitution on representative lines suitable for Burma proper. Their peoples are educationally backward, and have evinced no desire to be linked with the Burmans, who in turn betray little interest in these hill tracts."

So far as our short experience of Burma goes, we can confidently affirm the truth of these remarks.

British India outside Governors' Provinces.

100. Section 58 of the Government of India Act provides that the North-West Frontier Province, British Baluchistan, the province of Delhi, Ajmer-Merwara, Coorg and the Andaman and Nicobar Islands shall be administered by Chief Commissioners. These important areas (coloured pink on the map), therefore, form no part of any Governor's province. The method of government which has been adopted in them is so closely connected with their geographical position and with other special characteristics that it will be better to postpone any description to a later part of this volume* where their administrative system is described.

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* Part IV., ch. 5.

CHAPTER 9.—THE INDIAN STATES.

101. No account of the conditions of the Indian problem could be adequate which did not include some description of the Indian States. They constitute an outstanding feature which is without precedent or analogy elsewhere. Some of them are countries comparable in size and importance to a British province; others are much smaller; and at the far end of the scale we find Estates of a few acres owned or shared by petty chieftains and others who exercise no jurisdictional powers. Broadly speaking, however, the constitutional problem which arises in connection with the Indian States is common to them all and must be sharply distinguished from questions which relate solely to British India. The future development of India cannot be envisaged without bearing fully in mind their existence and influence, and the Crown's obligations in regard to them. We shall have much to say on this aspect of the matter in our second volume. Our present concern is to give a short description of the States themselves and of the general nature of their relations with the British Crown.

102. The Indian States Committee, which was appointed in December, 1927, to investigate the relationship between the Paramount Power and the Indian States and to make recommendations for the adjustment of financial and economic relations between British India and the States, reported early in 1929, and reference should be made to that Report for a further account of the situation.* The Committee classified the Indian States as they exist to-day in the following table :—†

Class of State, Estate, etc.	Number.	Area in square miles.	Population.	Revenue in crores of rupees.
I. States the rulers of which are members of the Chamber of Princes in their own right.	108	514,886	59,847,186	42·16
II. States the rulers of which are represented in the Chamber of Princes by twelve members of their order elected by themselves.	127	76,846	8,004,114	2·89
III. Estates, Jagirs and others	327	6,406	801,674	·74

* The Report, printed as Cmd. 3302 of 1929, is usually referred to as the Report of the Butler Committee. The Chairman of the Committee was Sir Harcourt Butler, formerly Governor in turn of the United Provinces and of Burma, and previously a Member of the Governor-General's Council. The other members of the Committee were Colonel the Hon. Sidney Peel and Professor Sir William Holdsworth.

† States in the North West Frontier Province and Baluchistan were not included.

Hyderabad has an area of 82,700 square miles and a population of 12½ millions—in other words, it is nearly as large as Great Britain and has nearly twice the number of inhabitants of Portugal or Austria. The revenue of the State of Hyderabad amounts to 6½ crores of rupees, or about £5 millions annually. Kashmir State, in the extreme north, is of approximately equal size and has a population of nearly 3½ millions. Mysore, in the south, has 6 millions of inhabitants, with an area of just under 30,000 square miles, so that it is larger than the Irish Free State and has twice its population. Further south are the two densely populated States of Travancore and Cochin, with over 4 millions and nearly one million inhabitants respectively. The territory of the Gaekwar of Baroda, which is made up of several separated areas north of Bombay, includes a population of over 2 millions. The map at the end of this volume indicates in yellow the parts of India (two-fifths of the whole) which are not British territory but are made up of the States. To the eye, the largest continuous non-British area is that of Rajputana, but the Rajputana Agency consists of a number of separate States. Amongst them (we adopt alphabetical order) are Alwar, Bikaner, Bundi, Jaipur, Jodhpur, Kotah, Tonk, and Udaipur. Further to the east is Gwalior, with a population of over 3 millions; and, in the Central Indian Agency, Bhopal, Indore, Orchha, and Rewa are familiar names; while, to the south-west of Rajputana, and bordering on the coast, lies the extremely numerous assemblage of States and Estates included in the Western States Agency (Cutch and Kathiawar), of which the better known are Bhavnagar, Cutch, Junagadh, and Nawanagar. Out of a total of 562 States, no less than 286 are situated in Kathiawar and Gujerat. In the Punjab, Patiala is the premier Sikh State, lying under the Himalayas and stretching up to Simla. Further west is the Muhammadan State of Bahawalpur. In Baluchistan is the Khanate of Kalat, which occupies about two-thirds of the whole province. In Bombay we have the great Mahratta State of Kolhapur. In the United Provinces lie Rampur and Benares—the latter State was constituted in its present form as recently as 1911. In Bengal and Assam are Cooch Behar, Tripura, and Manipur.

We have made no attempt to maintain any particular order of precedence in this list, which necessarily omits many other important States, but the references which we have given will be sufficient to illustrate how numerous and varied are some of the chief units.

Characteristics of Indian States.

103. The Indian States present a striking diversity of characteristics—geographical, economic and political. They dovetail into the various provinces of British India. The main arteries of communication, essential to the welfare of India as a whole,

constantly pass in and out of State territory. On the journey from Bombay to Delhi, for example, the boundary between what is, and what is not, British territory is crossed many times. The frontiers which divide the States from British India do not, as a rule, present any prominent physical feature. The boundary has been drawn as it is either because the limit of State jurisdiction has thus been laid down long ago, or as the result of negotiation and agreement in the days of British expansion. It rarely happens that the political outlines of an Indian State are coincident with racial or linguistic divisions. For instance, there are more Sikhs in the Punjab province than in the Sikh States; and more Mahrattas in the Bombay Presidency than under the rule of the Mahratta Princes. On the other hand, the bulk of the Kanarese speaking people are subjects of the Maharajah of Mysore, while others live in parts of the Bombay and Madras Presidencies.

The internal government of the different States varies considerably; some 30 of them have instituted a form of legislative council invariably of a consultative nature. Forty have established High Courts, more or less based on the European model. Thirty-four claim to have separated executive from judicial functions. There is a very wide difference in the degree of administrative efficiency reached by the most advanced and the more backward States; the best of them are justly proud of the high standard attained. But for our present purpose, the essential point to bear in mind is a feature which is common to all Indian States alike. They are not British territory and their subjects are not British subjects. The relations between each of them and the Paramount Power may be ascertained or deduced from Treaty, or other written document, or usage and agreement; but however that may be, the Crown is, in each case, responsible for the State's external relations and for its territorial integrity. There are about 40 States, all of major importance, which have actual Treaties with the Paramount Power. A larger number of States have some form of engagement or "Sanad," i.e., a concession or acknowledgment of authority or privilege, generally coupled with conditions, proceeding from the Paramount Power. The remainder enjoy, in some form or other, recognition of their status by the Crown.

Relations with Paramount Power.

104. In this brief description, which is all that we are attempting, we are not called upon to discuss or expound matters which may be in controversy or doubt between the States on the one hand and the Paramount Power on the other. The following summary will, we hope, be sufficient to convey a general impression of the nature of the relation. Each State manages its own internal affairs by making and administering its own laws, and imposing, collecting, and spending its own taxes. There is, as a rule, a British Resident or other Agent whose duty it

is to offer advice to the Ruler and to report to the British authorities; and there is the right of the Crown (which at present acts through the Governor-General in Council) to intervene as the Paramount Power in the internal affairs of the State in cases of gross misgovernment, or in cases where such intervention is called for, having regard to the duty of the Crown as Paramount Power to preserve the dynasty, to be answerable for the integrity of the State, and to maintain peace in India. The Report of the Butler Committee sets out a series of pronouncements on behalf of the Crown on paramountcy, and to these pronouncements reference may be made to ascertain the views expressed on behalf of the Paramount Power from time to time as to the nature and exercise of its authority. It was contended, as we understand, before the Butler Committee on behalf of the Indian Princes, that the occasions for the exercise of paramountcy should be more precisely defined. They would like to see the creation of new machinery, not for increasing their own powers and privileges, but for establishing on lines more definite than the reservation of discretion the basis of intervention in the internal affairs of the States. We cannot enter upon this complex matter, for not only has it never been before us, but the Statutory Commission could not presume to trench upon debatable ground which has recently been surveyed by the Butler Committee. That Committee found it impossible to define paramountcy in a formula, and indicated that it was in the generality of the conception that the States would find their best security for the preservation of their independent rights in times to come.

We must also transcribe the extremely important conclusion reached by the Butler Committee on another point in paragraph 58 of its Report :—

> "The states demand that without their own agreement the rights and obligations of the Paramount Power should not be assigned to persons who are not under its control, for instance an Indian government in British India responsible to an Indian legislature. If any government in the nature of a dominion government should be constituted in British India, such a government would clearly be a new government resting on a new and written constitution. The contingency has not arisen; we are not directly concerned with it; the relations of the states to such a government would raise questions of law and policy which we cannot now and here foreshadow in detail. We feel bound, however, to draw attention to the really grave apprehension of the Princes on this score, and to record our strong opinion that in view of the historical nature of the relationship between the Paramount Power and the Princes, the latter should not be transferred without their own agreement to a relationship with a new government in British India responsible to an Indian legislature."

Incidents of State Government.

105. A certain number of States pay tribute, varying in amount according to the circumstances of each case, to the Crown, the sums paid going to the revenues of India. This tribute has sometimes arisen from the terms on which territory was exchanged or restored, or from the settlement of claims between

the Governments, but in many cases it is in lieu of former obligations to supply or maintain troops. There are also cases in which tribute is paid by some subordinate States to a larger State, e.g., a number of States in Kathiawar and Gujerat pay tribute to Baroda, and Gwalior claims tribute from some of the smaller States of Central India.

Most of the inland States impose their own import and export duties at their own boundaries. Mysore is the most important exception. In many States, import and export duties yield a fraction of State revenue second only to land revenue, and in the aggregate these State duties on imports and exports amount to $4\frac{1}{2}$ crores of rupees, or about £3,375,000 a year. The right to impose duties at the frontier is a sign of sovereignty to which the States may naturally attach importance, though of course it would not be any derogation from their status if a Zollverein agreement could be reached.

The external relations of the States are, as we have said, entirely in the hands of the Crown. For international purposes, therefore, the territory of Indian States is in the same position as the territory of British India, and their subjects are in the same position as British subjects. An Indian State cannot hold diplomatic or other official intercourse with any foreign Power. India, of course, is a member of the League of Nations and at Geneva is represented as a unit by a delegation which in practice includes a Ruler of an Indian State.

British cantonments have been for a variety of reasons located in Indian States, in places like Secunderabad, Bangalore and Mhow.

The Government of India, in connection with its responsibility for the strategic defence of India, encourages the major States to maintain, but only so far as their financial resources permit, bodies of efficient forces (called Indian State Forces) for co-operation with the Indian Army, both in the external defence of India and the maintenance of internal order. Inspection staff is provided and paid for by the Government of India.

The States are responsible for their own police.

Arrangements are from time to time made between the Crown and the Government of an Indian State to secure to the former special jurisdiction in portions of the State, e.g., in the belts of land within the territories of those States, which are taken up for railway purposes, the Government of India apply such laws as are necessary for the administration of civil and criminal justice. There are, however, some State railways not forming part of important through routes, where the jurisdiction has been left with the States concerned. An instance is the Jodhpur-Bikaner line. One result of the above arrangement is that a person arrested in British India and charged with a railway offence committed in an Indian State could not defend himself by saying that whatever he did he did outside British jurisdiction. The same sort of arrangements exist about cantonments, and

sometimes about British residencies. The Government of India may require that European British subjects are not tried in State Courts, but are either tried by British Courts established in the Indian States, or are sent for trial before Courts in British India.

As regards Posts and Telegraphs, the British Telegraph system, by agreement, extends everywhere. In most cases similar agreements exist for the service of the British Post in Indian States, but fifteen States have their own postal departments and five of these have conventions by which they work in co-operation with the British Posts.

There are only eight States which mint their own rupee currency. In the rest, the mints are only worked for copper coinage or for striking silver or gold coins on special ceremonial occasions.

References in the Joint Report.

106. The Montagu-Chelmsford Report contains a chapter* devoted to the subject of the Indian States, to which we would refer for an account of the position as it was twelve years ago and of the steps then proposed to be taken. We will not go back into earlier history; it will be sufficient to quote a short passage from the chapter to which we have just referred :—

> "The policy of the British Government towards the States has changed from time to time, passing from the original plan of non-intervention in all matters beyond its own ring-fence to the policy of 'subordinate isolation' initiated by Lord Hastings; which in its turn gave way before the existing conception of the relation between the States and the Government of India, which may be described as one of union and co-operation on their part with the paramount power. In spite of the varieties and complexities of treaties, engagements, and sanads, the general position as regards the rights and obligations of the Native States can be summed up in a few words. The States are guaranteed security from without; the paramount power acts for them in relation to foreign powers and other States, and it intervenes when the internal peace of their territories is seriously threatened. On the other hand the States' relations to foreign powers are those of the paramount power; they share the obligation for the common defence; and they are under a general responsibility for the good government and welfare of their territories." †

The Joint Report went on to refer to the splendid services rendered to the Empire by the Indian States during the great war :—

> "Imperial Service Troops from over a score of States have fought in various fields, and many with great gallantry and honour. The Princes have helped lavishly with men and horses, material and money, and some of them have in person served in France and elsewhere. They have shown that our quarrel is their quarrel; and they have both learned and taught the lesson of their own indissoluble connection with the Empire, and their immense value as part of the polity of India."‡

But the increasing association of the States with the interests of British India was not confined to co-operation on the field

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* M C Report, Chap. X., "The Native States", paras. 296–312.

† M C Report, para. 297.

‡ M C Report, para. 298.

of battle. The Joint Report went on to describe the influences which, in time of peace, had been at work to increase the range of matters in which the States realised their solidarity with British India. And having thus surveyed the ground, Mr. Montagu and Lord Chelmsford made certain recommendations, the most important of which, from the point of view of constitutional structure, was the creation of the Council of Princes. We must now briefly describe the position and powers of this body.

The Chamber of Princes.

107. Various proposals had been made before the Montagu-Chelmsford Report to organise a system of conferences amongst the Ruling Princes of India with a view both of securing the expression of their collective opinion and of providing opportunities for counsel and consultation in matters of common concern to India as a whole. But it was not until after the publication of the Joint Report that the idea took permanent and effective shape. It is not, of course, to the Government of India Act that we must turn to find the institution of the Chamber of Princes; indeed we are not aware of any specific reference to the Indian States in the Act, though in many places " India " is referred to as distinguished from British India.* It was by Royal Proclamation that the Chamber of Princes was set up on 8th February, 1921. The ceremony of inauguration was performed, on behalf of the King-Emperor, by the Duke of Connaught in the Dewan-i-am of the Mogul Palace in Delhi. The Proclamation which was read on this occasion contained the memorable passage :—

> " In My former Proclamation I repeated the assurance, given on many occasions by my Royal Predecessors and Myself, of My determination ever to maintain unimpaired the privileges, rights, and dignities of the Princes of India. The Princes may rest assured that this pledge remains inviolate and inviolable."

Its Composition.

108. The Chamber of Princes contains, in the first place, 108 Rulers of States who are members in their own right. They are Ruling Princes who enjoy permanent dynastic salutes of eleven guns or over, together with other Rulers of States who exercise such full or practically full internal powers as, in the opinion of the Viceroy, qualify them for individual admission to the Chamber. In the second place, the Chamber includes twelve additional members elected by the Rulers of 127 other States not included in the above. These representative members are chosen from among these Ruling Chiefs by a system of group

* " India " is defined in the Interpretation Act as meaning " British India, together with any territories of any Native Princes or Chiefs under the suzerainty of His Majesty exercised through the Governor-General of India, or through any Governor or other officer subordinate to the Governor-General of India."

voting. The Viceroy is the President of the Chamber, and a Chancellor and Pro-Chancellor are elected from among the members annually. An extremely important organ of the Chamber is its Standing Committee which consists of seven members including the Chancellor and Pro-Chancellor. The functions of the Standing Committee are to advise the Viceroy on questions referred to the Committee by him "and to propose for his consideration other questions affecting Indian States generally or which are of concern either to the States as a whole or to British India and the States in common."

Its Powers.

109. The Chamber of Princes is a deliberative, consultative and advisory, but not an executive, body. It meets annually in its own Hall of Debate in the magnificent Council House which has recently been completed at New Delhi. Two important provisions in its constitution must be set out *verbatim* :—

> "Treaties and internal affairs of individual States, rights and interests, dignities and powers, privileges and prerogatives of individual Princes and Chiefs, their States and the members of their families and the actions of individual Rulers shall not be discussed in the Chamber."
>
> "The institution of the Chamber shall not prejudice in any way the engagements or the relations of any State with the Viceroy or Governor-General (including the right of direct correspondence) nor shall any recommendation of the Chamber in any way prejudice the rights or restrict the freedom of action of any State."

The latter of these provisions makes plain that the establishment of the Chamber of Princes has not affected the individual relations between any Indian State and the representative of the Crown. The Viceroy is himself in charge of the Political Department of the Government of India, and this is the department which deals with matters affecting the Indian States. Following upon the recommendations of the Montagu-Chelmsford Report,* most of the more important States are now placed in direct political relations with the Central Government and this has involved the transfer, in a large number of cases, of States' relations from a provincial Government to the Government of India. There are, however, some States that are not in direct relations with the Governor-General in Council but with the Governors in Council. Most of the important Rulers have and frequently exercise the right of direct access to and correspondence with the Viceroy. The Political Department of the Government of India is manned by officers, for the most part British, selected from the Indian Civil Service and the Indian Army. Political officers are accredited as individual Residents to the greater States. In each of the Agencies, namely, Rajputana, Central India, the Punjab States, the Western India States, the Madras States and Baluchistan there is an Agent to the Governor-General with a staff of officers, many of whom

* M.C Report, para. 310.

are accredited to particular States or groups of States. At the head of the Political Department is the Political Secretary who is the Viceroy's immediate adviser in affairs concerning the States.

Its Constitutional Importance.

110. The establishment of the Chamber of Princes marks an important stage in the development of relations between the Crown and the States, for it involves a definite breach in an earlier principle of policy according to which it was rather the aim of the Crown to discourage joint action and joint consultation between the Indian States and to treat each State as an isolated unit apart from its neighbours. That principle, indeed, had already been giving place to the idea of conference and co-operation amongst the Ruling Princes of India, but this later conception was not embodied in permanent shape until the Chamber of Princes was established. The Chamber has enabled free interchange of views to take place on weighty matters concerning the relationship of the States with the Crown and concerning other points of contact with British India. Notwithstanding that some States of great importance, like Hyderabad and Mysore, have stood aloof,* its work during the last nine years—especially, perhaps, the work of its Standing Committee—proves that the time was ripe for advance. But this advance does not as yet cross the boundary which must be traversed before the first actual step on the road of All-India federation can be taken. We shall, in our second volume, discuss the development which may be hoped for in future relations with the Indian States, and we conclude this chapter by a quotation which postulates the necessary condition of further progress in this direction.

> "I make no secret of my view," said Lord Irwin in June, 1929, "that in any proposals that may be made it is essential, on every ground of policy and equity, to carry the free assent of the Ruling Princes of India, and that any suggestion that the treaty rights which the Princes are accustomed to regard as sacrosanct, can be lightly set aside is only calculated to postpone the solution that we seek."

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* It was, however, announced at the meeting of the Chamber in February, 1930, that H.E.H. the Nizam had sanctioned two grants of one lakh of rupees each for special purposes and an annual contribution of Rs. 50,000 from 1930 to 1935 towards the expenses of the Chamber.

CHAPTER 10.—THE ARMY IN INDIA.

111. In considering the implications of the policy, to the pursuit of which the British Parliament is solemnly pledged, for the increasing association of Indians in every branch of Indian administration, and for the development of responsible government in British India, no question is at once more difficult and more crucial than the future organisation, recruitment, and control of the Army in India. The Montagu-Chelmsford Report was written while the Great War was raging, and in the three paragraphs (328-330) which it devoted, in a final chapter headed "Miscellaneous," to the subject of the Army, the principal matter dwelt upon concerned the way in which the services of the Indian Army in the various theatres of war had been and would be recognised. The authors mentioned the announcement of His Majesty's Government that the bar which had hitherto prevented the admission of Indians into the commissioned ranks of His Majesty's Army should be removed, and declared that this decision had established the principle that an Indian soldier could earn the King's commission by his military conduct. This apparently refers primarily to promotion from the ranks. The Report went on to say that other methods of appointment had not yet been decided upon, and emphasised "the necessity of grappling with the problem." An earlier paragraph took note of a general demand from Indian political leaders that extended opportunities of military service be afforded to the Indian people, but the passage continued "It is impossible to deal with this large question in connexion with our present proposals. The War is not yet over. . . . The requirements of the future will very largely depend upon the form of peace which is attained. We therefore leave this question for consideration hereafter, but with the note that it must be faced and settled."*

112. It was natural that the authors of the Report, writing in the crisis of the spring of 1918, after mentioning with admiration the services rendered to the common cause by Indian arms, and expressing satisfaction at the increased recognition which was being given to such services, should have contented themselves with noting the urgency and importance of the Army questions which would emerge after peace had been attained. But this does not alter the fact that the constitutional future envisaged for British India by Mr. Montagu's declaration of 20th August, 1917, and the new scheme of government elaborated in the Report and embodied in the Act of 1919, inherently involved a tremendous question which is not, we think, formulated or indeed referred to in the Report, viz., what, in view of the resolve that British India should advance to the goal of self-government within the Empire, is the nature of the arrangements which must be contemplated and in due course

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* M C Report, para. 328.

reached for her external defence and her internal security? We feel strongly that it would be a great disservice both to Britain and to India for this question now to be shirked, or for a method of treatment to be adopted which is confined to the search for temporary expedients wrapped up in soothing generalities, which only serve to foment suspicions of the *bona fides* of British policy on the one hand, and to divert attention from the ultimate and fundamental difficulties which Indian politicians themselves will have to face on the other. The best service we can render in this regard is to set out, plainly and fearlessly, for the consideration both of the British Parliament and of the political leaders of India the special features of India's military problem which must be provided for before Army administration can be a function of a self-governing India.

The Task of External Defence.

113. As regards external defence, India has to carry a constant burden of anxiety and provide against actual dangers on her north-west frontier, which are wholly without parallel in the case of the self-governing Dominions. The 3,000 miles of land frontier which separate Canada from the United States are undefended by a fort or a gun, and armed conflict with her neighbour is unthinkable. Australia, New Zealand, Newfoundland and Ireland are islands; the Union of South Africa is equally unlikely to be invaded. The withdrawal of British troops from these self-governing areas has left them to organise such local forces as they thought fit, recruited and officered from within their own boundaries, and administered by a department of government which requires to spend but a small fraction* of their revenues on the purpose. These Dominion

* DEFENCE EXPENDITURE—FINANCIAL YEAR 1927–28.

(Pensions are not included).

Figures in thousands of pounds.

	Central Expenditure.	State or Provincial Expenditure..	Total.	Net Defence Expenditure.**	% of Central Expenditure.	% of Total.
	£	£	£	£	%	%
Australia ...	82,121	113,847	195,968	4,733	5·8	2·4
Canada† ...	65,700	31,300	97,000	2,785	4·2	2·9
Irish Free State	31,437	—	31,437	2,264‡	7·2	7·2
New Zealand ...	24,945	—	24,945	969	3·9	3·9
South Africa ...	22,841	10,635§	33,476	809	3·5	2·4

** From League of Nations Armaments Year Book.
† 1926–27.
‡ Gross.
§ Appropriations.

units, drawn as they are for the most part from a homogeneous population, constitute a nucleus out of which, as the experience of 1914-1918 showed, immensely powerful armies of the highest fighting quality may be developed under the stress of emergency, but in normal times they have no elaborate part to play in an organised scheme of national defence, for the simple reason that there is no quarter from which attack is to be apprehended or guarded against.

114. Contrast with this the situation of the Army in India so far as the problem of external defence is concerned. India throughout history has had to endure a series of incursions by foreign invaders, who have forced their way through the defiles in the North-West, and at other points where a gap was found in the immense mountain barrier which cuts off India from the rest of Asia. It is noteworthy that, notwithstanding the teeming millions of India's population, comparatively small bodies of invaders have often succeeded in overcoming all opposition and making their way through to the plains, where they have established themselves as conquerors. It is the difficult and necessary role of the Army in India to guard against a repetition of these dangers. 60,000 British troops and 150,000 Indian troops (as well as 34,000 reservists) are organised into a Field Army, into covering troops, and into a garrison for internal security, with this task amongst others constantly in mind. In peace time the duty of the covering troops, assisted by frontier levies of various kinds, is to prevent the independent tribes on the Indian side of the Afghan frontier from raiding the peaceful inhabitants of the plains below. From 1850 to 1922 there have been 72 expeditions against these tribes—an average of one a year. Behind and beyond this belt of unorganised territory lies the direction from which, throughout the ages, the danger to India's territorial integrity has come—a quarter, we may observe, occupied by States who are not members of the League of Nations. The question raised, and naturally raised, by Indian political leaders, is whether the enormous cost of the Army in India is justified (one British soldier is estimated to cost between three and four times as much as an Indian soldier), and whether alike on grounds of economy and of Indian advancement the British element in the Army, or at any rate the command by British officers of units composed of an Indian rank and file, should not be materially reduced. We have something to say on this subject below, but for the moment we are only concerned to emphasise the importance of India's problem of external defence, whoever deals with it. The outstanding fact is that the urgency and extent of the problem of military defence in India are without parallel elsewhere in the Empire, and constitute a difficulty in developing self-government which never arose in any comparable degree in the case of the self-governing Dominions.

Provision for Internal Security.

115. But there is a second consideration which also makes the case of India unique. The Army in India is not only provided and organised to ensure against external dangers of a wholly exceptional character: it is also distributed and habitually used throughout India for the purpose of maintaining or restoring internal peace. In all countries the soldier when in barracks may be regarded as available in the last resort to deal with domestic disturbances with which the policeman cannot cope, but in Britain and elsewhere in the Empire this is little more than a theoretical consideration. The military is not normally employed in this way, and certainly is not organised for this purpose. But the case of India is entirely different. Troops are employed many times a year to prevent internal disorder and, if necessary, to quell it. Police forces, admirably organised as they are, cannot be expected in all cases to cope with the sudden and violent outburst of a mob driven frantic by religious frenzy. It is, therefore, well understood in India both by the police and by the military—and, what is even more to the point, by the public at large—that the soldiers may have to be sent for. We have been told that this use of the Army for the purpose of maintaining or restoring internal order was increasing rather than diminishing, and that on these occasions the practically universal request was for British troops. The proportion of British to Indian troops allotted to this duty has in fact risen in the last quarter of a century. The reason of course is that the British soldier is a neutral, and is under no suspicion of favouring Hindus against Muhammadans, or Muhammadans against Hindus.* India is a country in which the wildest and most improbable stories of outrage or insult spread with amazing rapidity and are widely believed, and inasmuch as the vast majority of the disturbances which call for the intervention of the military have a communal or religious complexion, it is natural and inevitable that the intervention which is most likely to be authoritative should be that which has no bias, real or suspected, to either side. It is a striking fact in this connection that, while in the regular units of the Army in India as a whole British soldiers are in a minority of about 1 to 2½, in the troops allotted for internal security the preponderance is reversed, and for this purpose a majority of British troops is employed—in the troops earmarked for internal security the proportion is about eight British to seven Indian soldiers. When, therefore, one contemplates a future for India in which, in place of the existing Army organisation, the country is defended and pacified by exclusively Indian units, just as Canada relies on Canadian troops and Ireland on Irish troops, it is essential to realise and

* For example, in connection with the very serious riots which broke out in Bombay in the spring of 1929, a British battalion was brought up from Poona, and there can be no doubt that its appearance contributed materially to relieving a situation which had become highly charged with communal feeling.

bear in mind the dimensions and character of the Indian problem of internal order and the part which the British soldier at present plays (to the general satisfaction of the countryside) in supporting peaceful government. It will of course be understood that the formations which go to make up the field army in war are stationed in various parts of India in peace time, and the units which for the time being constitute these formations are consequently available for internal security purposes. In the event of mobilisation, these units in their respective formations would be moved to the front. The limiting factor, therefore, in determining the numbers retained for internal security is the minimum that would be needed for this purpose throughout India when the rest of the troops are assembled elsewhere for dealing with external danger.

Sources of Recruitment.

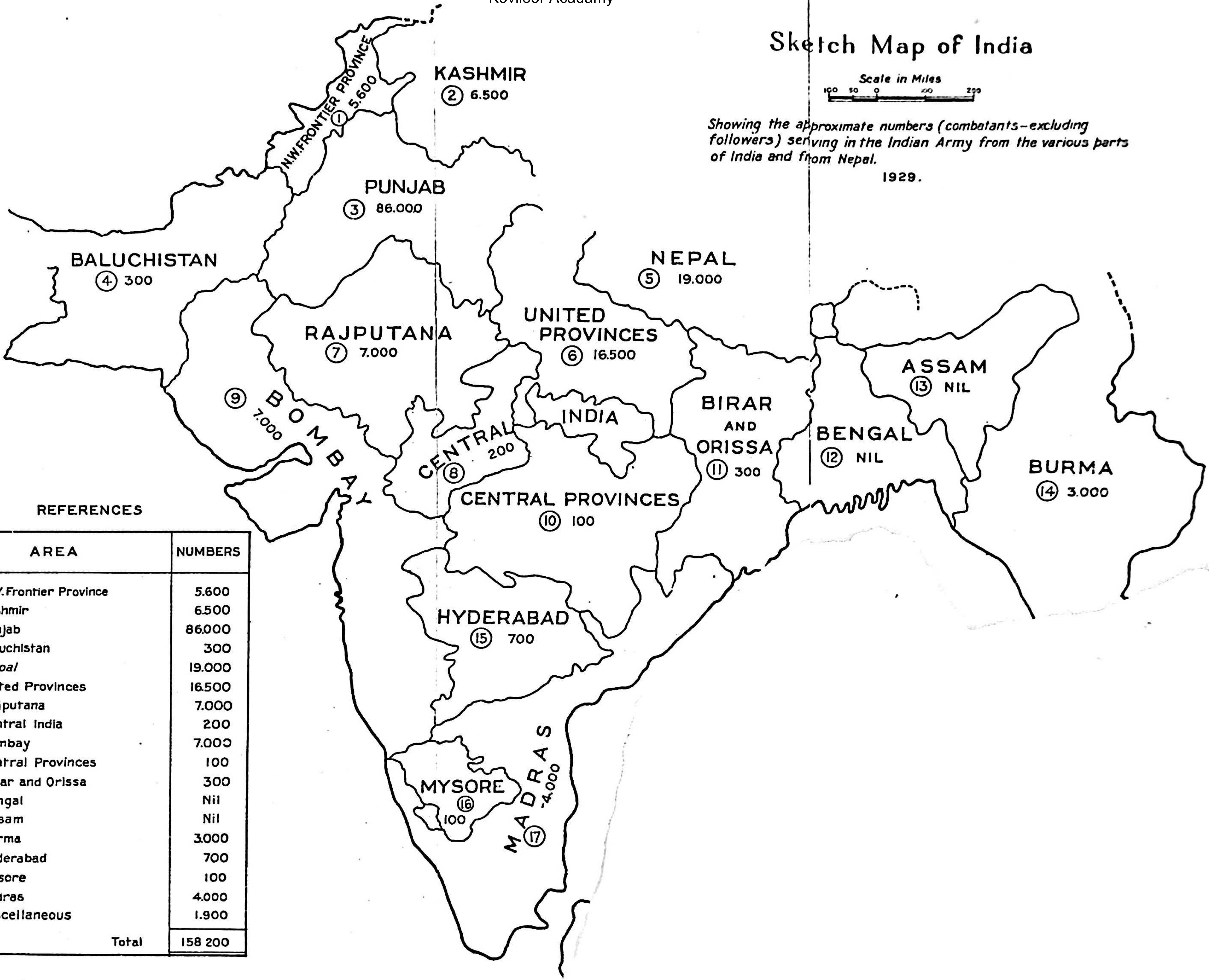
116. To these two features, which distinguish the case of India from that of any of the self-governing Dominions, viz., (1) the necessity of being adequately organised and in sufficient military strength to deal with a danger of the first order of magnitude on her frontiers, and (2) the need for large bodies of troops to support internal order, whose neutrality in communal conflict may be not only assured, but generally recognised, must be added a third. In contrast with the self-governing Dominions, and indeed in contrast with almost the whole of the rest of the world, India presents to the observer an astonishing admixture not only of competing religions and rival races, but of races of widely different military capacity. Broadly speaking, one may say that those races which furnish the best sepoys are emphatically not those which exhibit the greatest accomplishments of mind in an examination. The Indian intellectual has, as a rule, no personal longing for an army career. The comparison between India and Europe less Russia may be useful to convey an impression of size and density of population, but in any military estimate the comparison ends there. The contrast between areas and races in India that take to soldiering, and those that do not, has no counterpart in Europe. Whereas the most virile of the so-called martial races provide fine fighting material, other communities and areas in India do not furnish a single man for the regular Army. The Punjab supplies 54 per cent. of the total combatant troops in the Indian Army and, if the 19,000 Gurkhas recruited from the independent State of Nepal are excluded, the Punjab contingent amounts to 62 per cent. of the whole Indian Army. On the opposite page is a map showing the numbers of combatants in the Indian Army drawn from the various parts of India and from Nepal.

We are aware of the suggestion, which is sometimes put forward, that this contrast does not represent so much a difference in military quality as a deliberate policy adopted by the Army

Sketch Map of India

Showing the approximate numbers (combatants–excluding followers) serving in the Indian Army from the various parts of India and from Nepal.

1929.



REFERENCES

	AREA	NUMBERS
①	N.W. Frontier Province	5.600
②	Kashmir	6.500
③	Punjab	86.000
④	Baluchistan	300
⑤	*Nepal*	19.000
⑥	United Provinces	16.500
⑦	Rajputana	7.000
⑧	Central India	200
⑨	Bombay	7.000
⑩	Central Provinces	100
⑪	Bihar and Orissa	300
⑫	Bengal	Nil
⑬	Assam	Nil
⑭	Burma	3.000
⑮	Hyderabad	700
⑯	Mysore	100
⑰	Madras	4.000
	Miscellaneous	1.900
	Total	158 200

8300, 104T7 621/700,3/30

authorities for some sinister purpose. The simplest and shortest answer is furnished by the figures of recruitment from India during the Great War, when it cannot be suggested that any discouragement was offered to recruitment in any area. Bengal, with a population of 45 millions, provided 7,000 combatant recruits; the Punjab, with a population of 20 millions, provided 349,000 such recruits. The Punjab and the United Provinces between them provided three-fourths of the total number of combatant recruits raised throughout British India.*

The plain fact is that the formation of an Indian national Army drawn from India as a whole, in which every member will recognise the rest as his comrades, in which Indian officers will lead men who may be of different races, and in which public opinion will have general confidence, is a task of the greatest possible difficulty. Strenuous efforts are being made by many Indian politicians to develop a more general sense of citizenship, and these efforts have the sympathy of all who sincerely desire to see the growth of Indian unity. The Army authorities are taking their share in the work of reducing the disparity which is no doubt due to economic and climatic considerations, and to the unseen but potent influences of tradition and of race Cadet corps in the various universities are paid for out of Army funds. In 1923 the Territorial Forces Act was passed, and 23 Territorial units (including four urban battalions) have been formed in all parts of India, in which the selection is not limited to the classes recruited in the regular Army. But the change

* The following extract from "India's Contribution to the Great War," published by authority of the Government of India, Calcutta, 1923, illustrates the share each province took in obtaining combatant and non-combatant recruits up to the Armistice :—

Province.	Combatant recruits enlisted.	Non-Combatant recruits enlisted.	Total.
Madras	51,223	41,117	92,340
Bombay	41,272	30,211	71,483
Bengal	7,117	51,935	59,052
United Provinces	163,578	117,565	281,143
Punjab	349,688	97,288	446,976
North-West Frontier Province ...	32,181	13,050	45,231
Baluchistan	1,761	327	2,088
Burma	14,094	4,579	18,673
Bihar and Orissa	8,576	32,976	41,552
Central Provinces	5,376	9,631	15,007
Assam	942	14,182	15,124
Ajmer-Merwara	7,341	1,632	8,973
Total	683,149	414,493	1,097,642

In addition, a total of 58,904 recruits were obtained from Nepal.

is bound to be slow, and the obvious fact that India is not, in the ordinary and natural sense, a single nation is nowhere made more plain than in considering the difference between the martial races of India and the rest. It seems certain that in the future equal efficiency in the military sense, such as is necessary in view of the severe tasks which the Army in India has to perform, and in view of the urgent need of reduced military expenditure, cannot be expected from all sections of the population of India. As things are, the presence of British troops and the leadership of British officers secure that the fighting regiments of India, though representing only a portion of India's manhood, shall not be a menace to the millions who are conducting their civil occupations without any thought of the consequences which might ensue if British troops were withdrawn and the Indian Army consisted of nothing but representatives of the Indian fighting races. It is manifest that the peaceful unity of a self-governing India would be exposed to great risks if it relied, for the purpose of maintaining and restoring internal order, solely upon Indian troops drawn from selected areas and special races, such as the Punjabi, the Pathan, the Sikh, the Mahratta, or (to go outside India) the Gurkha. Indian statesmen, in developing their ideas of self-government for India as a whole, will, as it seems to us, have to face these questions in a practical spirit, with a full realisation of their complexity, for generalisations about self-government are no substitute for a frank examination of the special difficulties of the Indian case in relation to the defence problem.

Army Questions in Nehru Report.

117. The latest attempt, from the side of Indian nationalism, to deal with the question of the Army in relation to the development of Indian self-government is to be found in the " Report of the Committee appointed by the All-Parties Conference, 1928, to determine the principles of the constitution for India," which is commonly called the " Nehru Report." Strictly speaking, the short passage dealing with the subject is not to be found in the Report itself, nor in the sketch of recommendations in Chapter VII of the document. The matter is touched upon, however, in the introduction, which states that the authors recommend the transfer of control over the Indian Army to Ministers. The authors of the Report quote Professor Keith's pungent observation, " Self-Government without an effective Indian Army is an impossibility, and no amount of protests or demonstrations or denunciations of the Imperial Government can avail to alter that fact," and they add :—

> "This is true, but we do not accept the constitutional position that without an Indian or Dominion Army India cannot obtain Dominion status. In the first place the Indian Army has not to be created; it exists there already. In the next place historically the position taken by our critics is not correct."

The historical reference is supposed to be supported by a quotation from the speech made in the Legislative Assembly on 18th February, 1924, by Sir Sivaswami Iyer, who then observed that " as far as my reading of colonial history goes, none of the colonies was in a position to assume its defence at the time when a self-governing status was granted to it."

This quotation, and the reliance placed on it by the authors of the Nehru Report, seem to suggest that the real nature of the difference between India's military problem and that of the self-governing Dominions, which we have tried to set out in the preceding paragraphs, has not been fully apprehended. The difference largely depends upon understanding what is the urgency of the risks in the two cases. It may be true that when a particular Colony has acquired self-government it could not have defended itself against an onslaught from well-armed invaders, but the point is that the other Dominions are so placed and circumstanced that the practical risk did not exist. The test in each case is the ability to meet not imaginary or far-fetched risks, but real ones. A man does not need to insure against earthquakes in regions where it is practically inconceivable that earthquakes should occur. And the question is not whether, in the early days of self-government, Canada could have withstood an invasion such as might pour through the Khyber into the plains of India, but whether she could handle any sudden risks reasonably incident to her own frontiers. In point of fact the Colony of Natal was unable to secure an earlier attainment of self-government because the Zulus and Boers on her borders were a menace too constant and too formidable for Natal to deal with, if the British forces were withdrawn. The difficulties of the Indian military situation simply do not exist elsewhere in the Empire, and it is therefore no use claiming that the absence of such difficulties elsewhere proves that India can proceed, smoothly and rapidly, to complete self-government by ignoring the formidable obstacle in her path.

It is equally fallacious to suggest that India can attain complete self-government because it already has an Indian Army which is sufficient to defend it. By " Indian Army " is presumably meant the Indian regiments, which form only a portion of the Army in India, and which are not the forces whose use is preferred when communal feeling needs to be restrained. But even the Indian regiments are as yet officered almost entirely by British officers, so unless the authors of the Nehru Report contemplate that a self-governing India will, in the normal course, have at its service, and under the direction of its Minister for War, large numbers of British officers holding the King's commission, it is apparent that a good deal has to be done before the question of defence, in relation to Indian constitutional progress, can be said to be solved.

118. We are not indeed clear, from perusing the brief passage in the introduction to the Nehru Report, whether what its authors contemplate is that when complete self-government is attained in India British troops and officers will be all withdrawn. It surely cannot be supposed that large bodies of British soldiers would remain available for the purposes of maintaining and restoring order when the Army in India is under a Minister responsible to an Indian Legislature. We shall point out later the considerations which we think must be borne in mind and applied in order that the road towards the goal of complete self-government may not continue to be indefinitely blocked by the military difficulty. But the problem of the Army in India in relation to the attainment of self-government cannot be treated as solved by vague and misleading references to the development of self-government in other parts of the Empire, where the military problem is totally different. Nor is it of any assistance to a solution to propose, as the Nehru Report does, the setting up of a Committee of Defence in a self-governing India, consisting of "the Prime Minister, the Minister of Defence, and the Minister of Foreign Affairs," together with the professional heads of the armed forces. The thing that matters is to consider what conditions must be fulfilled before Ministers responsible to the Indian Legislature can undertake the provision and direction of adequate armed forces in India. When that day comes, the organisation of a Committee of Indian Defence, with such Ministers at its head, will not be difficult. At present the proposal to create one has no bearing upon the real problem at all.

The Difficulties to be Faced.

119. But if it is important for Indian politicians to face the real difficulties of the Indian Army question, it is equally important for those who realise these difficulties not to dismiss further consideration of the subject as useless by treating these difficulties as insurmountable. Such an attitude would imply that no effort is worth making to encourage the growth of those changed conditions which are the essential preliminary to the attainment, in the military field, of complete Indian self-government. All who accept the declaration of India's constitutional goal are bound to repudiate such an attitude. It is natural for the Indian reformer to challenge his British critic by presenting the dilemma, "Either you must be prepared to see great changes in the Army in India, or else you cannot be sincerely pursuing the goal of self-government in India." The dilemma is not an unfair one, and we are quite prepared to accept the first alternative, provided that due allowance is made for maintaining that efficiency which it is essential to preserve. It is, therefore, a matter of vital consequence that Britain should prove that it is actively desirous of assisting in those changes in the Army in India, which make in the direction of the

ultimate goal, and which alone will satisfy political India of our good faith. We are not competent to deal with the technical questions which arise, and seek to pronounce no judgment on the validity or sufficiency of certain recent changes. But, in our endeavour to present to the British people and the British Parliament an unbiassed account of the actual situation and of the attitude taken up by many Indian politicians towards it, we deem it necessary to set out some of the facts upon which Indian critics lay much stress, while they are not perhaps so widely appreciated and dwelt upon at home.

King's Commissions.

120. Although the Indian Army has always been more than double the size of the British forces in India, it was not till the last year of the Great War that an Indian could receive the King's commission in the regular army. What is called a "Viceroy's commission" is given to Indian soldiers who are for the most part promoted from the ranks of the Indian Army. But the holder of a "Viceroy's commission," whatever his experience and length of service, is lower in rank and command than the most newly joined of British subalterns. In 1918 a change was made, and Indians became eligible for the first time to hold the King's commission, that is to say, a commission which is held by British officers of the British and Indian Armies. Ten vacancies at Sandhurst were annually reserved for Indian candidates for competition amongst themselves. In effect, as the number of Indian candidates who have qualified under this arrangement never exceeded the number of vacancies then available, the element of competition did not arise. It should be added that Indian officers holding the King's commission were under this scheme eligible for employment only in the cavalry and infantry arms, and were not to be employed as commissioned officers of the King in the Artillery, Engineer, Signal, Tank or Air arms of the Army in India.

The Eight Units Scheme.

121. In 1923 Lord Rawlinson, the Commander-in-Chief in India, announced a new scheme, which did not accelerate the pace of Indianisation, but which altered the method in a way which was designed to test the practicability of successful Indianisation of the Army. This was known as the "eight units scheme," under which five infantry battalions, two cavalry regiments, and a pioneer unit were selected, to which Indian officers holding commissions in the Indian Army were to be transferred and posted so as to fill up the appointments for which they were qualified by their rank and by their length of service, with the result that these units will in due course be transformed into units officered entirely by Indians. It will be appreciated of course that as no Indian officer holding the King's commission has as yet any great seniority, each of these units is at present

commanded by a British colonel, with senior officers who are British under him, but that as one goes down the list one reaches a point, which is continually rising, below which all the junior officers are Indians. Consequently, as senior officers retire and junior officers acquire seniority and are promoted, the time will come when each of these Indian units will be commanded and completely officered by Indians. The process cannot be complete until the year 1946 at the earliest, since in the Indian Army promotion is regulated by a time scale. Critics of the eight units scheme do not seem always to remember that this last feature is a necessary consequence of the period of experience and training required before a King's commissioned officer in the Indian Army, whether British or Indian, can become a Lieutenant-Colonel. It has nothing to do with the race to which the officer belongs, and an exactly similar interval must inevitably elapse before the command of any regiment of the Indian Army is reached by an Indian, whether the eight units scheme is followed or not.*

The Skeen Committee.

122. The Committee presided over by Major-General (now General) Sir Andrew Skeen, then Chief of Staff of the Army in India, and commonly known as the "Indian Sandhurst Committee," was appointed in June, 1925. Its duty was to report by what means it might be possible to improve the present supply of Indian candidates for the King's commission, both in regard to number and quality, and as to the suggested establishment of a Military College in India to train Indians for the commissioned ranks of the Indian Army. The Committee (which, apart from its distinguished Chairman and the Secretary of the Army Department, consisted of 10 Indian gentlemen) reported in November, 1926, and Indian commentators naturally attach considerable importance to the fact that the Report was unanimous. The Committee made a series of proposals for the future, and attached to the whole the condition that success must be secured at each stage, and military efficiency maintained throughout.

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* The existence of Viceroy's commissions involves a difficulty which will have to be surmounted in the transformation of an Indian regiment commanded by British officers into a purely Indian unit. At present an Indian regiment consists of—

(a) Officers holding the King's commission, almost all British;

(b) Under them, officers holding Viceroy's commissions, all Indian, and acting as a link between their superiors and the men of the regiment.

(c) Indian rank and file.

The problem of Indianisation does not consist merely in the elimination of (a), nor is it possible to replace (a) by (b), for Indian officers of class (b) have risen from the ranks and are comparatively uneducated, and unaccustomed to any but limited responsibility, though they have a splendid record of fine service, and are an invaluable part of the existing organisation. In a completely Indianised Army there seems to be no room for two classes of officers, and as a unit becomes completely Indianised, (b) will disappear.

The Committee recommended an extension of the scope of employment of Indians in the officer ranks of the Indian Army by means of an initial doubling of vacancies allotted to Indians at Sandhurst, followed by further progressive increases, until a Military College on the lines of Sandhurst is established in India—a step which it considered should be undertaken in 1933. Under the scheme of the Committee, if all went well, half of the total cadre of officers in the Indian Army would be Indians by 1952. In paragraph 17 of its Report the Committee dealt with the "eight units scheme," and expressed the view that with Indianisation proceeding in the Army in any measure the only means of ensuring successful Indianisation and, concomitantly, the attainment of a maximum degree of military efficiency, was to allow Indian officers to serve shoulder to shoulder with British officers, each learning from the other, in every unit of the Indian Army; and consequently in paragraph 32 it recommended that the "eight units scheme" be abandoned.

Decisions on the Skeen Report.

123. Fifteen months after the Report of the Indian Sandhurst Committee had appeared, an announcement was made of the decision of the authorities on the above matters. This decision is sometimes, though wrongly, referred to as though it involved a complete "turning down" of the recommendations of the Committee. This is not so. The proposals for increasing the number of vacancies at Sandhurst were adopted, and have been carried into effect. Vacancies for Indians have also been provided at Woolwich and Cranwell. The proposal for setting up in the future a Military College in India on the lines of Sandhurst was not, as we understand, definitely rejected, though it was pointed out that it seemed premature to fix 1933 as its year of opening, since this would depend upon whether the increased facilities for entering Sandhurst were taken advantage of, and upon whether Indian cadets going to Sandhurst passed out in sufficient numbers to secure the increased stream of Indian officers holding the King's commission, as estimated for in the next few years. In this respect the actual results hitherto reached appear to justify the caution of the authorities, for notwithstanding the increased number of places open, Indian officers passing out of Sandhurst have not as yet in fact amounted even to the smaller number which the provision since 1918 of 10 vacancies annually has made possible. The point when there are more approved candidates than vacancies has just been reached. The objection that a course at Sandhurst involves additional cost to an Indian cadet, as compared with one in India, is met by provision from Army funds to cover the whole difference in outlay.

124. The following statement shows the annual number of Indian and Anglo-Indian Cadets admitted to the Royal Military

College, Sandhurst, and other Cadet Colleges in England, since 1918, and their disposal.

SANDHURST.

Year in which offered in India.	No. of vacancies for Indians at Sandhurst (including extra vacancies to replace casualties.).	No. of Indians admitted to Sandhurst to fill such vacancies (approx. 3 months later) including additional vacancies filled.	No. ultimately commissioned.
1918 (first half) ...	5	5	1
1919 (first half) ...	5	5	4
1919 (second half) ...	5	5	2
1920 (first half) ...	5	5	3
1920 (second half) ...	5	5	2
1921 (first half) ...	5	4	4
1921 (second half) ...	5	4	3
1922 (first half) ...	6	4	4
1922 (second half) ...	6	6	3
1923 (first half) ...	6	6	5
1923 (second half) ...	7	6	6
1924 (first half) ...	6	6	4
1924 (second half) ...	6	5	4
1925 (first half) ...	7	5	4
1925 (second half) ...	8	2	1
1926 (first half) ...	12	9	7
1926 (second half) ...	8	8	8
1927 (first half) ...	7	7	7
1927 (second half) ...	5	3	3
1928 (first half) ...	7	3	2
1928 (second half) ...	10	7	—
1929 (first half) ...	11	11	—
1929 (second half) ...	10	10	—

Up to and including the first half of 1928, vacancies were filled by nomination, after that date by examination.

Summary.

Total number of vacancies 157.
Total number of admissions 134 (includes 3 Viceroy Commissioned Officers nominated in 1928 and 1929 not shown above).
Total number commissioned 77.
Died or resigned from illness 3.
Failed to receive commissions 22 (all prior to 1927).
Still at Sandhurst 22.
Passed examination but not yet entered 10.

WOOLWICH.

It was first decided to admit Indians and Anglo-Indians to Woolwich in 1928, and since then nine vacancies have been offered, but there have only been two successful candidates.

CRANWELL.

Similarly, the first examination for Cranwell was held in November 1928. Since then, 12 vacancies have been offered, but only six filled

125. The most serious departure from the recommendations of the Indian Sandhurst Committee was in reference to the "eight units scheme." It was announced that this would be adhered to. As we have said, we do not feel competent to judge of the technical considerations involved. We understand that the Army authorities take the view that, as a matter of precaution and as the best security that efficiency should be maintained, the experiment of Indianisation should be conducted by a method which would not involve all units of the Army at the same time, and which will give some solid indication of the comparative efficiency of Indianised units at an earlier stage than might be possible, if the same number of Indian officers were spread more generally throughout the Army in India. As the number of units undergoing Indianisation is capable of augmentation in the light of experience and in accordance with the supply of officers obtained, no artificial limit to the acceptance of Indian officers is imposed.

But whatever the justification for the decision, its announcement has been widely represented in India as a refusal to adopt a more liberal treatment of the problem of Indianisation. These critics point out that Sir Andrew Skeen was prepared to see Indian and British officers serving side by side in the same regiment, while the effect of the "eight units scheme" is to bring about what they call the "segregation" of Indian officers, and to secure that no British officer serves under the command of an Indian superior in his own regiment. Our duty is not to pronounce judgment on this matter, but to record the course of events, and to give the best account we can of the state of Indian political feeling resulting from it. The beginnings of Indianisation of the officer ranks of the Indian Army are only 10 years old, and are proceeding slowly. The eight units already involved form only a very small fraction of the regular Indian Army (five infantry battalions out of 104; two cavalry regiments out of 21; and one Pioneer battalion out of seven). In point of fact, if the increased facilities for entrance to Sandhurst and Woolwich are taken full advantage of, and Indian cadets pass successfully through the course, the time when fresh Indian officers must be posted to other units than the eight already selected will arise in the near future. We were told that the "eight units scheme" is by no means so unpopular with the Indian officers who take part in carrying it out as with some sections of political opinion. However, for the purposes of the constitutional inquiry upon which we are engaged, the method by which Indianisation might proceed is not so immediately important as the fact that it has at length begun, and that it is recognised that the pace at which it proceeds is conditioned by the efficiency of the results obtained. A completely self-governing India must be in a position to provide itself with armed forces, fit to undertake the tasks which armed forces in India have to discharge, so far as those tasks are the special

concern of India itself. It is not to be supposed that units recruited in Britain and officered by British officers are going to be mercenaries in some future India where the ultimate military authority rests with an Indian Minister for War, or with an Indian Cabinet, responsible to an Indian elected Assembly. Indian nationalists are, therefore, perfectly right in attaching great importance to Army questions in India in relation to India's constitutional development. It is essential to the honour of Britain, in relation to the assurances which have been given that we are sincerely aiming at the attainment of self-government in India, that the transformation should be given every fair chance. The change is bound to be slow, and it is much more likely to come about smoothly and successfully, if the difficulties are honestly faced on both sides in a spirit of complete good will.

Possible Directions of Advance.

126. Constitutional progress in the matter of Indian defence largely depends upon the coming generation of Indian officers, and every effort ought to be made to increase the number and improve the quality of candidates. We have gathered that an impression has existed in some quarters that only candidates coming from families of military class or traditions are encouraged to apply, but we are definitely and authoritatively assured that no such bar exists, and this fact ought to be widely known. The objective which many Indian politicians naturally and properly put before themselves is to develop an Indian Army organised upon a purely Indian basis and officered by Indians. The pace at which this can be done does not depend upon any theoretical proposition that India's civil and military progress should advance side by side, but upon the practical efficiency of the new instrument for its essential purpose. So far as internal order is concerned, this is manifestly a primary task of the forces of a self-governing area, and the burden of providing it obviously and necessarily falls exclusively upon the Indian taxpayer. External defence, on the other hand, may be viewed in a double aspect; it may be regarded not solely as the concern of India (though India would be the first to suffer, if its frontiers were not adequately guarded), but as affecting the integrity of the whole Empire and as bound up with general Imperial policy. These are very grave and difficult questions which will require much consideration. Does it necessarily follow that India's attainment of self-government as a unit of the British Empire must be postponed till India recruits and officers from men of Indian races a complete Army for external defence by land, any more than it has proved necessary to postpone self-government in the Dominions until each Dominion provided its exclusive defence at sea? The time may come when some intermediate solution will offer itself. One such solution which has sometimes been discussed might perhaps be that

Indian troops of a Dominion pattern commanded by officers holding a Dominion commission* may be recruited for purposes of internal order, while sharing with Imperial troops the burdens of external defence, the Dominion troops being under the control of an Indian Minister while the Imperial troops remain constitutionally (as they must) under the Governor-General. An outstanding difficulty, as things are, is the state of communal tension which, unhappily, so constantly explains the resort to troops, often British troops, for maintaining internal peace. But, apart from this, the experiment of Indianisation has not yet advanced nearly far enough to justify so considerable a departure from established organisation, and very serious questions would remain to be considered and answered as to the effect of combining the service of two kinds of military forces raised and controlled by two different authorities. Neither British politicians nor Indian politicians can wisely decide such matters without special knowledge and expert advice. We are only concerned here to convey a double warning—a warning, on the one hand, that Britain cannot indefinitely treat the present military organisation of India as sacrosanct and unalterable, but must make an active endeavour to search for such adjustments as might be possible; and a warning, on the other hand, that Indian statesmen can help to modify the existing arrangement in the direction of self-government only if they too will co-operate by facing the hard facts and by remembering that those who set them out for further consideration are not gloating over obstacles, but are offering the help of friends to Indian aspirations. In the second volume of our Report, which contains our recommendations and suggestions, we shall return to the subject of the burden and organisation of the defence services of India, and in the meantime we invite consideration of the elements of the problem which we have, as a preliminary to further discussion, endeavoured here to set out.

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* An officer holding a Dominion commission does not thereby acquire command over members of the Imperial forces. It will be remembered that this situation had to be adjusted on certain fronts in the Great War by giving a King's Commission to such officers.

APPENDIX I.

INDIA.

Area and Population (1921 Census).

(Figures to nearest thousand).

Colour on map at end of Volume I.		—	Area in square miles.	Total population.	Hindus.	Sikhs.	Jains.	Buddhists.
	1.	INDIA	1,805,000	318,942,000	216,735,000	3,239,000	1,179,000	11,571,000
	2.	BRITISH INDIA	1,041,000	246,498,000	163,112,000	2,360,000	456,000	11,471,000
Red, or Red and Purple.	3.	Governors' Provinces.	1,011,000	242,945,000	162,128,000	2,328,000	433,000	11,468,000
	4.	Assam	49,000[a]	7,458,000	4,130,000	1,000	3,000	13,000
	5.	Bengal	77,000	46,696,000	20,207,000	2,000	13,000	266,000
	6.	Bihar and Orissa..	83,000	34,002,000	28,166,000	1,000	4,000	—
	7.	Bombay	124,000	19,348,000	14,816,000	8,000	215,000	2,000
	8.	Burma	230,000	13,148,000	485,000	5,000	1,000	11,182,000
	9.	Central Provinces (including Berar)	100,000	13,913,000	11,622,000	2,000	68,000	—
	10.	Madras	142,000	42,319,000	37,511,000	—	25,000	1,000
	11.	Punjab	100,000	20,685,000	6,579,000	2,294,000	34,000	3,000
	12.	United Provinces..	106,000	45,376,000	38,010,000	14,000	68,000	—
Pink.	13.	Chief Commissioners' Provinces.	30,000	3,553,000	984,000	32,000	23,000	3,000
	14.	North-West Frontier Province	13,000	2,251,000	150,000	28,000	—	—
	15.	Baluchistan ..	9,000	128,000	9,000	1,000	—	—
	16.	Other Chief Commissioners' Provinces (Delhi, Ajmer-Merwara, Coorg, Andamans).	8,000	1,174,000	825,000	3,000	23,000	3,000
Yellow.	17.	INDIAN STATES	701,000	70,192,000	53,572,000	867,000	723,000	100,000
Light Yellow.	18.	TRIBAL AREAS AND AGENCY TERRITORIES.	63,000	2,252,000	51,000	12,000	—	—
	19.	North-West Frontier Province.	18,000	1,959,000	21,000	5,000	—	—
	20.	Baluchistan ..	45,000	293,000	30,000	7,000	—	—

NOTE 1.—The table includes under the provinces only territory which is in British India (with the exception of Berar, which is included with the Central Provinces, and as part of the total for Governors' Provinces and for British India). It is in this sense that the provinces are generally referred to. References may, however, occasionally be made to a province in the sense of all the territory—whether British India or not—which is situated within the boundary of the province. A subsidiary table is accordingly given overleaf summarising the main figures from this aspect.

APPENDIX I.—*continued.*

INDIA.

Area and Population (1921 Census).

(Figures to nearest thousand).

Parsis.	Muham-madans.	Christians. European (and allied races.)	Christians. Anglo Indian.	Christians. Indian.	Tribal religions.	Others.	Not enumerated by religion.	
102,000	**68,735,000†**	**176,000**	**113,000**	**4,464,000**	**9,775,000**	**40,000**	**2,814,000†**	1.
88,000	**59,195,000**	**151,000**	**96,000**	**2,753,000**	**6,737,000**	**37,000**	**43,000**	2.
87,000	**56,758,000**	**136,000**	**95,000**	**2,734,000**	**6,702,000**	**37,000**	**43,000**	3.
—	2,202,000	3,000	—	114,000	992,000	—	—	4.
1,000	25,211,000	23,000	22,000	102,000	846,000	3,000	—	5.
—	3,690,000	6,000	4,000	247,000	1,881,000	1,000	—	6.
83,000	3,820,000	33,000	10,000	221,000	123,000	16,000	—	7.
—	501,000	9,000	17,000	222,000	669,000	15,000	43,000	8.
2,000	564,000	6,000	3,000	32,000	1,614,000	—	—	9.
1,000	2,840,000	11,000	23,000	1,327,000	578,000	—	—	10.
—	11,444,000	21,000	4,000	303,000	—	—	—	11.
1,000	6,481,000	25,000	9,000	166,000	—	—	—	12.
1,000	**2,442,000**	**15,000**	**1,000**	**19,000**	**35,000**	—	—	13.
—	2,063,000	8,000	—	2,000	—	—	—	14.
—	118,000	—	—	—	—	—	—	15.
1,000	261,000	6,000	1,000	10,000	35,000	—	—	16.
13,000	**9,272,000**	**16,000**	**17,000**	**1,710,000**	**3,037,000**	**3,000**	**860,000**	17.
—	**268,000†**	**8,000**	—	**2,000**	—	—	**1,911,000†**	18.
—	19,000†	3,000	—	—	—	—	1,911,000†	19.
—	249,000	5,000	—	2,000	—	—	—	20.

NOTE 2.—The table differs, in arrangement, from the Census Tables (from which the figures are taken) in the following respects:—(i) The Tribal Areas and Agency Territories in the North-West Frontier Province and Baluchistan are here shown separately. For the former province they are, in the Census Tables, included with Indian States; for the latter, with British India (being in that province mainly administered territory though technically not British), (ii) Karenni States and the non-British portion of the Khasi and Jaintia Hills, which are in the Census Tables included with Burma and Assam respectively, are here included with Indian States.

NOTE 3.—Estimates of approximate number of the depressed classes in the Governors' Provinces will be found in paragraph 58.

• NOTE 4.—The area given for Assam does not include the unsurveyed territory of the province.

† NOTE 5.—When using the total figure for Muhammadans in India, it should be borne in mind that the bulk of those in the area of the N.W.F.P. outside British India, who have not been enumerated by religion, are Muhammadans.

APPENDIX I.—*continued.*

SUBSIDIARY TABLE.

(A fuller table, arranged on the more usual plan, immediately precedes).

INDIA.

Area and Population (1921 Census) by Provinces, including in each Province the territory—whether British-India or not—situated within the provincial boundary.

	—	Area in thousands of square miles.	Population in Millions.			
			Total Population.	Hindus.	Muhammadans.	Others.
	INDIA	1,805	318·9	216·7	68·7	33·5
Including Indian States and Tribal and Agency territory within the Provincial boundary.	Assam	61	8·0	4·4	2·2	1·4
	Bengal	82	47·6	20·8	25·5	1·3
	Bihar and Orissa	112	38·0	31·6	3·7	2·7
	Bombay	195	28·9	22·7	4·8	1·4
	Burma	234	13·2	·5	·5	12·2 (includes 11·2 Buddhists).
	Central Provinces	131	16·0	13·1	·6	2·3
	Madras	153	47·8	41·1	3·2	3·5
	Panjab	137	25·1	8·8	12·8	3·5 (includes 3·1 Sikhs).
	United Provinces	112	46·5	39·5	6·7	·3
	North-West Frontier Province ...	39	5·1	·2	2·1	2·8 (religion unknown).
	Baluchistan	135	·8	·1	·7	—
	Delhi, Ajmer-Merwara, Coorg and Andamans.	8	1·2	·8	·3	·1
Indian States not situated within the boundaries of any Province.	Central India Agency States... ...	51	6·0	5·2	·3	·5
	Gwalior	26	3·2	2·8	·2	·2
	Hyderabad	83	12·5	10·7	1·3	·5
	Kashmir	84	3·3	·7	2·5	·1
	Mysore	29	6·0	5·5	·3	·2
	Rajputana States	129	9·8	8·2	·9	·7
	Sikkim	3	·1	·1	—	—

NOTE.—Many of the Indian States situated within the boundary of a province have direct relations with the Government of India and not with the provincial Government.

PART II.—THE EXISTING CONSTITUTIONAL STRUCTURE.

CHAPTER 1.—THE ESSENTIALS OF THE PREVIOUS SYSTEM.

127. Anyone who wishes to form a just estimate of the nature of the changes introduced into the system of Indian Government by the Reforms of 1919 must first select from the details of earlier constitutional arrangements those features which were really characteristic of the whole. For this purpose we would direct special attention to three cardinal points which emerge from an examination of the pre-Reform structure :—

(1) The concentration of authority at the centre;

(2) The control over legislative functions exercised by the Executive;

(3) The ultimate responsibility of Parliament for the whole of Indian government.

Concentration of Authority at the Centre.

128. This centralization may be traced back to the Act of Parliament which renewed the Charter of the East India Company in 1833. Up to that date, the control exercised by the Governor-General and Council of Bengal* over the two more ancient but subordinate Presidencies of Madras and Bombay was limited to transactions with Indian potentates and to questions affecting war and peace. For the ordinary internal administration of these other areas and for the making of laws to be applied to them the Government of Bengal had, previous to 1833, no responsibility. But by the Charter Act of 1833 the Governor-General of Bengal became the Governor-General of India; his Government was known, for the first time, as the Government of India; its authority became coextensive with

* The Governor-Generalship and four councillorships were established under Lord North's Regulating Act of 1773. The first Governor-General was Warren Hastings; he and his councillors were appointed by the Act for five years.

the area of British possessions in India; and the independent legislative powers formerly exercised by the Governments of Madras and Bombay were taken away. Warren Hastings' experience of the opposition of a majority of his Executive Council led his successor, Lord Cornwallis, to insist that the Governor-General should be given the constitutional right to overrule his Council in matters which in his judgment vitally affected the safety or tranquillity of British possessions in India —a provision dating from 1786, which in a slightly amended form is still preserved in a Section [41 (2)] of the Government of India Act. In 1784 the number of members of the Governor-General's Council was reduced from four to three, one being the Commander-in-Chief and the other two covenanted servants of the East India Company. The Act of 1833 again raised the number to four by adding a Law Member, who was not to be one of the Company's servants—hence it was possible for Macaulay to be the first incumbent of that office. The total membership of the Governor-General's Executive Council was by subsequent stages raised to seven, but whatever the numbers may have been at any period, the point which needs to be emphasized is that down to 1921 the Governor-General in Council was, inside British India, the supreme authority, in which was concentrated responsibility for every act of civil as well as military government throughout the whole area. Provincial Governments, consisting of a Governor or Lieutenant-Governor and his Executive Councillors, had, of course, most important work to do, for in their hands lay the day-by-day task of administration in the provinces, and not even the remorseless energy of a Curzon could inquire into and seek to supervise all the countless matters which made up so burdensome and multifarious a charge. But these provincial Governments were virtually in the position of agents of the Government of India. The entire government system was, in theory, one and indivisible. The rigour of a logical application of that conception to administrative practice had gradually been mitigated by wide delegation of powers and by customary abstentions from interference with the agents of administration. But the principle of the conception was still living and operative, and it blocked effectively any substantial advance towards the development of self-governing institutions. The legal relationship between the Centre and the provincial Governments was expressed in a section of the Consolidating Statute of 1915 as follows :—

"Every local government shall obey the orders of the Governor-General in Council, and keep him constantly and diligently informed of its proceedings and of all matters which ought, in its opinion, to be reported to him, or as to which he requires information, and is under his superintendence, direction,

and control in all matters relating to the government of its province."*

129. Nothing illustrated more clearly the over-riding unity of the Centre and the subordination of the provinces to it than the arrangements between them as to finance. All the revenues of British India are vested in the Crown, and although there were in course of time evolved quasi-permanent financial settlements between the central and the provincial Governments, based upon the supposed "needs" of the respective provinces, and carried out by dividing certain heads of revenue in arranged proportions, provincial expenditure, provincial taxation, and provincial borrowing were all subject to central control, and the spending powers of provincial Governments could be exercised only subject to elaborate and voluminous codes of instructions issued by the Government of India. The authors of the Montagu-Chelmsford Report, basing themselves on the announcement of 20th August, 1917, and anticipating their conclusion that the progressive realisation of responsible government must begin in the provinces, pointed out how seriously such financial arrangements operated as an obstacle to provincial enfranchisement :—

> "Because provincial settlements have been based, not on provincial revenues but on provincial needs, a central control over provincial expenditure is not merely justifiable but inevitable. The Government of India could not allow a province to go bankrupt. But if the Government of India were responsible for provincial solvency, they must be in a position to control provincial expenditure ; indeed, in view of their own competing needs, they could hardly avoid feeling a direct interest in keeping down provincial charges. Again, as regards revenues, so long as the Government of India take a share in the proceeds, they have a strong motive for interfering in details of administration. Their interest in land revenue, for example, inevitably leads them to a close supervision over revenue settlements ; and the control tends to become tighter in cases where expansion and development, as in the case of irrigation, depend on capital outlay. The existing settlements are an undoubted advance upon the earlier centralized system, but they constitute no more than a half-way stage. If the popular principle is to have fair play at all in provincial Governments, it is imperative that some means be found of securing to the provinces entirely separate revenue resources."†

Add to this that it was the practice to control all legislative action in provincial councils by means of "instructions," and it becomes clear that, whether from the administrative, the financial, or the legislative point of view, the concentration of authority at the centre was a cardinal feature of the pre-Reform constitution. This was one of the features which Parliament in 1919 set itself to modify. It has thereby started a process, so far as the Governors' provinces are concerned, which gives to these vast areas, each of them comparable in size to a European State, the opportunity for a more self-contained and self-conscious existence, and a prospect of more complete self-government,

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* Section 45 of the Government of India Act, 1915. It is highly instructive to observe how this section was amended by the Act of 1919.

† M/C Report, para. 109.

than could otherwise have arisen. The devolution of authority to provincial Governments and the extension of autonomy in provincial areas, are not of course in themselves inconsistent with the preservation of a strong centre dealing with central subjects on behalf of all the provinces, and holding powers in reserve to be exercised in case of need in the interests of the whole.

Executive Control over Legislative Functions.

130. A second feature of the previous constitution of British India, which was radically changed by the Reforms of 1919, was the extent to which law-making was in the hands of those who had the responsibility of administration. Under this earlier system, legislative power was not recognised as residing in a legislature as distinct from the Government; when new laws had to be made, they were enacted by a body the nucleus of which was the Executive Council itself, but to which "additional members" were summoned for the purpose of discussing and passing the proposed enactment. The Viceroy, or in the case of a province, the provincial head, presided over legislative discussions, no less than over executive consultations. The evolution of these legislative councils deserves special attention, for it throws a clear light upon the changes under this head for which Mr. Montagu was responsible. There is a chapter of the Montagu-Chelmsford Report which gives a full and careful account of the growth of legislative bodies in India, and to this chapter* we would make reference. It enables us greatly to abbreviate our own description.

THE REGULATING ACT OF 1773.

131. The Regulating Act of 1773 authorised the Governor-General and Council to make "rules, ordinances, and regulations for the good order and civil government" of Bengal. So far, therefore, there was no alteration whatever in the composition of the Council when it passed from administrative to legislative action. When the Act of 1833 added the Law Member, we have the beginning of the gradual enlargement of the Governor-General's Council for legislative purposes, for the Law Member was at first not an Executive Councillor at all, but sat with the others for legislative business only. The Act renewing the Charter of the Company in 1853 changed this by making him a full member, and at the same time provided that the Governor-General's Executive Council, when dealing with law-making, should be enlarged into a "Legislative Council" by bringing in six "additional" members—the Chief Justice and another Judge of the Bengal Supreme Court, and four officials appointed by the provincial Governments of Madras, Bombay, Bengal, and Agra. The Governor-General presided and had a veto over legislative proposals. The proceedings of the legislative sessions were public.

* M. C Report, Chap. III., "Growth of the Legislative Councils," paras. 51–81.

THE INDIAN COUNCILS ACT OF 1861.

132. Down to this point, legislation was entirely in the hands of British officials. After the Indian Mutiny and the transfer from the Company to the Crown, the Legislative Council was reconstituted by the Indian Councils Act of 1861. The number of "additional" members was increased from six to twelve, and half of these were to be non-officials. Some of these new seats were given to Indians, and it is, therefore, from 1861 that an Indian element has taken part in the making of laws for India. The non-official members were of course nominated; another 30 years were to elapse before use was made of any method of election. Two other features of the Indian Councils Act, 1861, are important for our present purpose: the principle of both of them survives in the present constitution. The Act restored to the Governments of Madras and Bombay the powers of legislation which the Act of 1833 had withdrawn, but with the difference that the Governor-General's previous sanction was needed for some classes of provincial legislation, and his subsequent assent (as well as the Governor's) for all. The Governor-General was directed to establish a provincial council for Bengal and was empowered to set up similar councils for the North-West Provinces (i.e., Agra and Oudh) and the Punjab. This was actually done in 1886 and 1897 respectively. But the power of local legislation bestowed by the Act of 1861 was not as previously, exclusive: it was concurrent, so that, while a provincial council might, with the Governor-General's approval, legislate for its own area, the legislative power of the Governor-General in Council was unimpaired and extended for all purposes over the whole of the Indian territories under the British Crown. The concentration of authority at the Centre thus persisted. The other feature of the Act of 1861 which remains of contemporary importance is the power it gave to the Governor-General, in cases of emergency, to make ordinances having, for a period not exceeding six months, the force of law.*

133. It would be a mistake to think of the legislative councils established under the Act of 1861 as miniature parliaments or as containing the germ of responsible institutions. Their functions, indeed, were strictly limited to legislation which was in practice initiated by the Executive, and they were expressly forbidden to transact any business except the consideration and enactment of legislative measures, or to entertain any motion except a motion to introduce a Bill or one having reference to a Bill actually introduced. The Montagu-Chelmsford Report sums up

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* See now section 72 of the Government of India Act. This is the section which was resorted to in April, 1929, after Mr. Patel, the President of the Legislative Assembly, had refused to allow further discussion or vote on the Government's Public Safety Bill.

its description of the character of these councils by a quotation borrowed from the late Lord MacDonnell, which we reproduce.

"The character of the legislative councils established by the Act of 1861 is simply this, that they are committees for the purpose of making laws—committees by means of which the executive Government obtains advice and assistance in their legislation, and the public derive the advantage of full publicity being ensured at every stage of the law-making process. Although the Government enacts the laws through its Council, private legislation being unknown, yet the public has a right to make itself heard, and the executive is bound to defend its legislation. And when the laws are once made, the executive is as much bound by them as the public, and the duty of enforcing them belongs to the courts of justice. In later years there has been a growing deference to the opinions of important classes, even when they conflict with the conclusions of the Government, and such conclusions are often modified to meet the wishes of the non-official members. Still it would not be wrong to describe the laws made in the legislative councils as in reality the orders of Government; but the laws are made in a manner which ensures publicity and discussion, are enforced by the courts and not by the executive, cannot be changed but by the same deliberate and public process as that by which they were made, and can be enforced against the executive or in favour of individuals when occasion requires.

"The councils are not deliberative bodies with respect to any subject but that of the immediate legislation before them. They cannot inquire into grievances, call for information or examine the conduct of the executive. The acts of administration cannot be impugned, nor can they be properly defended in such assemblies, except with reference to the particular measure under discussion."*

INDIAN COUNCILS ACT OF 1892.

134. The next stage was reached in 1892. The Indian Councils Act of that year made a limited and indirect provision for the use of the method of election in filling up some of the non-official seats, both on the provincial councils and on the Indian Legislative Council over which the Governor-General presided. The word "election" was, however, never used in the statute; the process was described as nomination made on the recommendation of certain bodies. In the case of the Indian Legislative Council, five more "additional" members were thus brought in, one being recommended by the non-official members of each of the four provincial councils, and one by the Calcutta Chamber of Commerce. In the case of the provincial councils, the majority of the non-official seats were filled by recommendation and the recommending bodies were for the most part municipalities and district boards. A species of indirect election was thus inaugurated. At the same time the functions of the councils were enlarged to the extent of discussing (though not of voting upon) the annual statement of revenue and expenditure, and members had conferred upon them the right of addressing questions to the Executive. There still remained an official majority on the councils and there was still no approach to a parliamentary system. Indeed Lord Dufferin, in whose time the suggestions were first put forward which later in a

* Quoted in M/C Report, para. 64.

modified form resulted in the 1892 constitution, was careful to deny the implication. He wrote :—

"Our scheme may be briefly described as a plan for the enlargement of our provincial councils, for the enhancement of their status, the multiplication of their functions, the partial introduction into them of the elective principle, and the liberalization of their general character as political institutions. From this it might be concluded that we were contemplating an approach, at all events, as far as the provinces are concerned, to English parliamentary government and an English constitutional system. Such a conclusion would be very wide of the mark; and it would be wrong to leave either the India Office or the Indian public under so erroneous an impression. India is an integral portion, and it may be said one of the most important portions, of the mighty British Empire. Its destinies have been confided to the guidance of an alien race, whose function it is to arbitrate between a multitude of conflicting or antagonistic interests, and its Government is conducted in the name of a monarch whose throne is in England. The executive that represents her imperium in India is an executive directly responsible not to any local authority, but to the Sovereign and to the British Parliament. Nor could its members divest themselves of this responsibility as long as Great Britain remains the paramount administrative power in India. But it is of the essence of constitutional government as Englishmen understand the term, that no administration should remain at the head of affairs which does not possess the necessary powers to carry out whatever measures or policy it may consider to be 'for the public interest.' The moment these powers are withheld, either by the Sovereign or Parliament, a constitutional executive resigns its functions and gives way to those whose superior influence with the constituencies has enabled them to overrule its decisions, and who consequently become answerable for whatever line of procedure may be adopted in lieu of that recommended by their predecessors. In India this shifting of responsibility from one set of persons to another is under existing circumstances impossible, for if any measure introduced into a legislative council is vetoed by an adverse majority, the Governor cannot call upon the dissentients to take the place of his own official advisers, who are nominated by the Queen-Empress on the advice of the Secretary of State. Consequently the vote of the opposition in an Indian council would not be given under the heavy sense of responsibility which attaches to the vote of a dissenting majority in a constitutional country; while no responsible executive could be required to carry on the government unless free to inaugurate whatever measures it considers necessary for the good and safety of the State. It is, therefore, obvious, for this and many other reasons, that no matter to what degree the liberalization of the councils may now take place, it will be necessary to leave in the hands of each provincial Government the ultimate decision upon all-important questions, and the paramount control of its own policy. It is in this view that we have arranged that the nominated members in the council should outnumber the elected members, at the same time that the Governor has been empowered to overrule his council whenever he feels himself called upon by circumstances to do so." *

Morley-Minto Reforms of 1909.

135. So matters remained until Lord Morley became Secretary of State and Lord Minto was Viceroy. The Morley-Minto Reforms of 1909 represented a very considerable advance. The official majority in the provincial legislative councils was abandoned; the size of these bodies was enlarged up to a maximum of 50 "additional" members in the larger provinces and 30 in the smaller: and the greater part of these additional members were non-officials who were elected either by groups of local

* Quoted in M/C Report, para. 68.

authorities, large landholders, trade associations or universities. In Bengal, the majority of the whole body was elected. The momentous conclusion was reached that the Muhammadan community as such should be specially represented (except in the Punjab, Burma, and the Central Provinces) by the addition of from two to five members to each council, chosen by the vote of a separate Moslem electorate. The full significance of this decision is only to be appreciated when one remembers that Muhammadans also had their opportunity of influencing the choice made by the other electoral colleges, but the contention was that joint electoral bodies would never choose representatives who would be satisfactory to the Moslem community. We have set out elsewhere* the declaration made by Lord Minto on this subject: Lord Morley reluctantly, but explicitly, accepted the Moslem claim; and here began that recognition of communal representation based upon the vote of a separate electoral roll, which has survived to this day and become a cardinal problem and ground of controversy at every revision of the Indian electoral system.

136. The Morley-Minto scheme also reconstructed and enlarged the Indian Legislative Council. In addition to the Governor-General and the seven members of his Executive Council, it contained some 60 " additional " members of whom not more than 28 could be officials, while 27 of the remainder were not only non-officials but were elected. As in the case of the provincial councils, the method of election was partly indirect, and partly direct. Under the revised regulations, 13 members were elected by the non-official members of the provincial legislative councils, and two by the Chambers of Commerce of Calcutta and Bombay, while the larger landowners in six provinces elected one member each, and six Muhammadans were returned by the vote of members of their own community. It will be observed that the distribution of seats on the Indian Legislative Council was such as to secure an official majority, and Lord Morley justified this by laying it down that the Governor-General's Council " in its legislative, as well as its executive character, should continue to be so constituted as to ensure its constant and uninterrupted power to fulfil the constitutional obligations that it owes, and must always owe, to His Majesty's Government and to the Imperial Parliament." The control exercised by the Executive over legislative functions was thus preserved, and we imagine that it was Lord Morley's view that this must necessarily be so, since he considered that the only alternative was the control by the legislature of executive functions, and this was a result which under Indian conditions he could not contemplate. In a frequently quoted passage he declared, " If it could be said that this chapter of reforms led

* Appendix V., "Note on the History of Separate Muhammadan Representation," *infra* p. 183.

directly or indirectly to the establishment of a parliamentary system in India, I, for one, would have nothing at all to do with it."* The Morley-Minto councils were given increased opportunities of influencing policy by moving resolutions and asking supplementary questions, and these powers were extensively used; but the argument of numbers remained with the Central Government.

The Ultimate Responsibility of Parliament.

137. A third feature of the government of British India which remained quite unimpaired down to the introduction of the Montagu Reforms was the supervising and controlling power, over the whole field of Indian legislation and administration, of the Home authorities—that is to say, of the Secretary of State with his constitutional responsibility to Parliament. He was assisted (as he still is) in many respects by a Council composed of members with special experience in India; Lord Morley placed two Indians on this body, and there are now three Indian members. When we come to describe the functions of the Secretary of State's Council we shall point out how, in general, when a difference of opinion arises within it, the Secretary of State's decision is final, but that in certain matters the Secretary of State must act not only in his Council but with it. By this means it is sought to give additional protection to the revenues of India against possible misuse and to guard the rights and interests of members of the Civil Service who have been recruited through the India Office. But for our present purpose the important point is not the nature of the Secretary of State's control but its range. Ultimate responsibility for every act of government must always rest somewhere, and as long as no portion of the final responsibility resided in India, it necessarily followed that all parts of it rested upon Whitehall and Westminster. This is not of course to say that the actual executive government of India rested, or could rest, anywhere but in India itself; but behind the Governor-General in Council, and co-extensive with all executive action, lay the theoretical responsibility of the Secretary of State, however much that theory might be modified in practice by the growth of convention or the fact of distance.

* House of Lords' Debate, Dec. 17, 1908.

CHAPTER 2.—PRINCIPLES OF THE REFORMS OF 1919.

138. The authors of the Montagu-Chelmsford Report were charged by the announcement of August, 1917, with the duty of devising substantial steps in the direction of the gradual development of self-governing institutions, and the analysis contained in our preceding chapter provides a sketch of the situation with which they were faced, and may help to explain the course which they decided to take. "No further development is possible," they wrote, "unless we are going to give the people of India some responsibility for their own government."* "The process will begin in local affairs which we have long since intended and promised to make over to them; the time has come for advance also in some subjects of provincial concern; and it will proceed to the complete control of provincial matters, and thence, in the course of time and subject to the proper discharge of Imperial responsibilities, to the control of matters concerning all India. We make it plain that such limitations on powers as we are now proposing are due only to the obvious fact that time is necessary in order to train both representatives and electorates for the work which we desire them to undertake: and that we offer Indians opportunities at short intervals to prove the progress they are making, and to make good their claim, not by the method of agitation but by positive demonstration, to the further stages in self-government which we have just indicated."† The proposals, therefore, of the Report were not put forward as constituting a final solution, but as providing for a stage on the journey to a goal. How soon, and how far the next stage was to be entered upon and carried forward—these were questions which the authors of the Report deliberately left over for future discussion, and declared must be decided, when the time came, by the difficult and indeed invidious method of forming a judgment as to the nature of the results already attained.

The plan of proceeding with the help of periodic Commissions of Inquiry is expounded in more than one paragraph of the Report, and was justified by reference to the terms of the announcement of 1917. So far as the appointment of the present Statutory Commission is concerned, this was provided for and insisted upon by what is now section 84A of the Government of India Act. But the authors of the Joint Report went further; they wrote :—

> "It is our desire to revive the process by which the affairs of India were periodically subjected to searching review by investigating bodies appointed with the approval of Parliament itself ; and we propose, therefore, that the further course of constitutional development in the country, together with the other matters just enumerated, shall from time to time be similarly investigated at intervals of twelve years, a period which represents the life of four councils under the existing regulations." ‡

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* M/C Report, para. 178. † M/C Report, para. 179.

‡ M/C Report, para. 262 and compare para. 288.

The proposal of further periodic Commissions found no confirmation in the language of the Government of India Act, and we shall have occasion, later in our Report, to indicate our view as to the inexpediency of fixing in advance by Statute the dates at which reconsideration of the constitutional problem should take place. At present, however, we are concerned with describing the main principles of the Reforms instituted in 1919, and not with the times and methods by which they might come under further review.

The Four Formulae.

139. The Report, before attempting to work out any detailed plans, laid down, in the shape of formulae, four governing principles which were to be embodied in the new constitutional structure. These four formulae were as follows :—

> (i) "There should be, as far as possible, complete popular control in local bodies and the largest possible independence for them of outside control."*

We shall take occasion to point out, when we deal with local self-government in India, that the literal application of this formula might be understood to involve the result that local authorities are to go their own way, and are not to be kept up to the mark by the effective supervision of a headquarters department, notwithstanding that the local body draws a part of its revenues from headquarters funds. So understood or so applied, we think the proposition is inimical to good administration and not in the least necessary for the development of responsible government. It seems to us that the proposition has been a good deal misunderstood in some quarters in India, and this we shall further consider later on, but its application is a matter rather of ordinary statute law than of constitutional structure, and for this reason the three formulae which follow are of more fundamental importance.

> (ii) "The provinces are the domain in which the earlier steps towards the progressive realisation of responsible government should be taken. Some measure of responsibility should be given at once, and our aim is to give complete responsibility as soon as conditions permit. This involves at once giving the provinces the largest measure of independence, legislative, administrative, and financial, of the Government of India which is compatible with the due discharge by the latter of its own responsibilities."†

> (iii) "The Government of India must remain wholly responsible to Parliament, and saving such responsibility, its authority in essential matters must remain indisputable, pending experience of the effect of the changes now to be introduced in the Provinces. In the meantime the Indian Legislative Council should be enlarged and made more

* M/C Report, para. 188.

† M/C Report, para. 189.

representative, and its opportunities of influencing Government increased."*

(iv) "In proportion as the foregoing changes take effect, the control of Parliament and the Secretary of State over the Government of India and provincial Governments must be relaxed."†

If these last three propositions are contrasted with the three cardinal points of the pre-Reform structure upon which we have dwelt in our previous chapter, it will be plain that the principles at the base of the Reforms of 1919 struck at the essentials of the previous system. Authority, instead of being concentrated at the Centre, was to be in large measure devolved on the provinces; the opportunities of the Central Legislature for influencing the Government of India were to be increased; the control of Parliament over the whole of Indian government was to be modified by marking out a portion of the provincial field in which it would be no longer exercised.

Departures from the Joint Report.

140. It is important to bear in mind that the recommendations of the Montagu-Chelmsford Report were not in all respects adopted and carried out by the sections of the Government of India Act, 1919. The Bill, as introduced, represented the result of discussions which had taken place between the Government of India, the provincial Governments, and the Imperial Government. In the course of its passage through Parliament it was amended in some material respects in accordance with the recommendations of the Joint Select Committee of both Houses of Parliament to which it was referred, of which Committee Mr. Montagu was an influential member. For example, the Report devised a plan by which the Government of India could secure the passage of legislative measures which it regarded as essential, notwithstanding the opposition of the majority of the Legislative Assembly, by carrying its Bill through an Upper House in which there was an official majority. The Viceroy's assent to a measure so carried through the Upper House nullified the effect of its rejection by the Lower House.‡ This, we conceive, was in accordance with the third of the formulae set out above. The Lower House would have enjoyed increased "opportunities of influencing Government," but the authority of the Government of India "in essential matters" nevertheless would remain "indisputable." It was manifestly an important alteration for the Joint Select Committee to modify the scheme, as it did, by making the assent of the Legislative Assembly essential to the passage of all legislation, subject to the power of the Governor-General in cases of emergency to place a new law upon the Statute Book, by mere certification, with or without the assent of the Council of State, and without any con-

* M/C Report, para. 190.

† M/C Report, para. 191.

‡ See below Part II, ch. 8, para. 174.

currence from the other branch of the Legislature. The Act of 1919 contained other departures from the scheme of the Report. We will give two further examples. In the realm of provincial government, Mr. Montagu and Lord Chelmsford had proposed that if the provincial Government found it impossible to carry through the unicameral provincial council legislation of a certain character which the Governor deemed essential, the Bill might be referred to a Grand Committee constituted for the purpose, composed in part of members selected by the provincial council, but with a nominated majority.* The view of this Grand Committee would ultimately prevail, even though the provincial legislature remained obdurate. All this was rejected by the Joint Select Committee on the ground that it was better, in cases where the ultimate responsibility rested with the Governor and his Executive Council, for the overriding of the legislature to take place, without disguise, by the direct method of certification. It will be observed that this change made by the Joint Select Committee in the provincial sphere is analogous to the departure from the scheme of the Joint Report, described in the central sphere.

A second illustration, which is of great importance to show how widely the Government of India Act departed in some respects from the recommendations of the Joint Report, is concerned with the Budget. Mr. Montagu and Lord Chelmsford laid it down that "the budget will be introduced in the Legislative Assembly, but the Assembly will not vote it. Resolutions upon budget matters and upon all other questions, whether moved in the Assembly or in the Council of State, will continue to be advisory in character."†

The Government of India Bill was introduced into Parliament with a clause drafted to correspond with this recommendation, but the Joint Select Committee altered this, and in its Report to the two Houses of Parliament pointed attention to the insertion of "a new provision for the submission of the Indian Budget to the vote of the Legislative Assembly." These matters may now be regarded as of little more than historic interest, but we think that it is not without importance to bear in mind that the Act of 1919 did not in these, and some other, respects follow the plan of the Joint Report. Mr. Montagu, as we have already said, was a member of the Joint Select Committee, and, as far as we know, concurred in the changes.

But in most respects the scheme of the Montagu-Chelmsford Report was translated into law, and the formulae set out above are the framework to which the constitution owes its shape. Accordingly, it is in the domain of the provinces that the most substantial steps prescribed by the announcement of August 20th, 1917, have been taken, and it is in the provinces that an account of the present constitution must begin.

* M/C Report, paras. 252–3. See below Part II, ch. 4, para. 154, Note.
† M/C Report, para. 284.

CHAPTER 3.—THE PROVINCIAL FIELD.

141. What the Reforms effected in delimiting a provincial field (as in much else) cannot be discovered by reading the Act of 1919 alone. Devolution to the provinces was carried out by rules made under the Act and approved by both Houses of Parliament. These rules are known as the Devolution Rules. In this connection, it is far more important for those who are now to undertake the responsibility of deciding what is to be done, to appreciate the effect of these statutory rules than to search for a picture of the present constitution in the Act itself. We shall endeavour to state the result in non-technical language, without drawing further distinction between a rule and a section of the Act. But first it must be clearly understood that the provincial devolution thus effected, whether in the legislative, the administrative, or the financial sphere, takes place only with reference to the nine major provinces, called in the Act the "Governors' Provinces." The rest of British India, so far as the devolution of authority from the centre is concerned, remains essentially in the same position as before the passing of the Act of 1919, and the present treatment of those areas which lie outside the nine major provinces will be described in Chapter 9 below, dealing with the Central Government. Here we are concerned only with the nine provinces of Madras, Bombay, Bengal, the United Provinces, the Punjab, Bihar and Orissa, the Central Provinces, Assam and Burma. In the case of each of these, the demarcation between the central and the provincial field is identical; in the subdivision of provincial subjects between "reserved" and "transferred" (with which we deal later in Chapter 5), there are a few variations between province and province.

Central and Provincial Subjects.

142. In respect of these nine provinces, the method followed is to classify subjects, for the purpose of distinguishing the functions of provincial Governments and legislatures from the functions of the Central Government and Legislature, by dividing them into "Central Subjects" and "Provincial Subjects." We reproduce, as an Appendix, at the end of this chapter,* the Schedule to Rule 3 of the Devolution Rules, which contains this distribution. In all such distributions the question arises as to the side of the line on which subjects which happen to be omitted are to fall: in the case of India, the answer is given by the last item in the list of central subjects. Any matter not included among provincial subjects is central; the undistributed residue thus follows the Canadian, and not the Australian, model. If any doubt arises as to whether a particular matter does or does not relate to a provincial subject, the Governor-General in Council finally decides the question; there is no

* Appendix II., p. 126.

room for appeal to the law courts in such a case. The principle of discrimination between central and provincial subjects is that, where extra-provincial interests predominate, the subject is treated as central, while on the other hand all subjects in which the interests of a particular province essentially predominate are provincial. Accordingly, military matters, foreign affairs, tariffs and customs, railways, posts and telegraphs, income tax, currency, coinage and the public debt, commerce and shipping, and civil and criminal law are among the central subjects. Among provincial subjects are local self-government, medical administration and public health, education (with certain exceptions), public works and irrigation, land revenue administration, famine relief, agriculture, forests, and what is popularly called " law and order." There is, however, no item with this title—the phrase may be treated as covering item 32 " police," item 39 " prisons," and a portion of item 17 " administration of justice." It is indeed of special importance to remember that " law and order " covers the subsidiary magistracy as well as police.

143. The subjects earmarked as provincial may be regarded as so classified both for purposes of administration and for purposes of legislation. But, although topics are thus distributed, the Central Legislature remains theoretically entitled to legislate over the whole field and no challenge can arise as to whether a given piece of legislation has been carried by the right legislature. For, by Section 84 (2) of the Government of India Act " the validity of any Act of the Indian legislature or any local legislature shall not be open to question in any legal proceedings on the ground that the Act affects a provincial subject or a central subject, as the case may be." There are a number of subjects about which a provincial council may not legislate without the previous sanction of the Governor-General [Section 80 A (3)], but here again the way is blocked to prevent any Court or Judge deciding that the provincial law is invalid because the previous sanction of the Governor-General has not been obtained—for his subsequent assent (which is in any case necessary to make a provincial Act valid) cures the defect. Conversely, the previous sanction of the Governor-General is required before the Central Legislature can trench upon the field which is *prima facie* provincial [Section 67 (2) (i) and (ii)]. Thus the Indian constitution has adopted an ingenious method of securing in practice a distribution of topics between the Central Legislature and provincial legislatures while avoiding the danger of technical obections being raised and litigation promoted on the plea that the wrong legislature has passed the Act and that, therefore, it is a nullity.

Allocation of Financial Sources.

144. Besides marking out for the provinces a legislative and administrative sphere, the reformed Constitution effected a

delimitation of sources of revenue for purposes of provincial finance. It was a prime object to do so. "Our first aim" ran the Report, "has been to find some means of entirely separating the resources of the central and provincial Governments."* Again, this purpose is carried out by Rules, which allocate certain classes of revenue, such as land revenue and excise on alcoholic liquor, to provincial Governments, while customs and income tax, for example, remain sources of central revenue. It will tend to clearness and completeness of treatment to describe the existing financial arrangements, whether central or provincial, in a single compartment, and we therefore propose to deal with the whole topic in a later part of our Report under the head of "The System of Public Finance."†

APPENDIX II.

DEVOLUTION RULES. SCHEDULE I.

PART I.—CENTRAL SUBJECTS.

1. (*a*) Defence of India and all matters connected with His Majesty's Naval, Military, and Air Forces in India, or with His Majesty's Indian Marine Service or with any other force raised in India, other than military and armed police wholly maintained by local Governments.

(*b*) Naval and military works and cantonments.

2. External relations, including naturalisation and aliens, and pilgrimages beyond India.

3. Relations with States in India.

4. Political charges.

5. Communications to the extent described under the following heads, namely:—

(*a*) Railways and extra-municipal tramways, in so far as they are not classified as provincial subjects under entry 6 (*d*) of Part II of this Schedule;

(*b*) aircraft and all matters connected therewith; and

(*c*) inland waterways, to an extent to be declared by rule made by the Governor General in Council or by or under legislation by the Indian legislature.

6. Shipping and navigation, including shipping and navigation on inland waterways in so far as declared to be a central subject in accordance with entry 5 (*c*).

7. Light-houses (including their approaches), beacons, lightships, and buoys.

8. Port quarantine and marine hospitals.

9. Ports declared to be major ports by rule made by the Governor General in Council or by or under Legislation by the Indian legislature.

10. Posts, telegraphs and telephones, including wireless installations.

11. Customs, cotton excise duties, income tax, salt, and other sources of all-India revenues.

12. Currency and coinage.

13. Public debt of India.

14. Savings banks.

15. The Indian Audit Department, as defined in rules framed under section 96 D (*1*) of the Act.

16. Civil law, including laws regarding status, property, civil rights and liabilities, and civil procedure.

17. Commerce, including banking and insurance.

18. Trading companies and other associations.

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* M/C Report, para. 200.

† Part V of this volume, pp. 332 to 377 below.

19. Control of production, supply, and distribution of any articles in respect of which control by a central authority is declared by rule made by the Governor General in Council or by or under legislation by the Indian legislature to be essential in the public interest, save to the extent to which in such rule or legislation such control is directed to be exercised by a local Government.

20. Development of industries, in cases where such development by central authority is declared by order of the Governor General in Council, made after consultation with the local Government or local Governments concerned, expedient in the public interest.

21. Control of cultivation and manufacture of opium, and sale of opium for export.

22. Stores and stationery, both imported and indigenous, required for Imperial Departments.

23. Control of petroleum and explosives.

24. Geological survey.

25. Control of mineral development, in so far as such control is reserved to the Governor General in Council under rules made or sanctioned by the Secretary of State, and regulation of mines.

26. Botanical survey.

27. Inventions and designs.

28. Copyright.

29. Emigration from, and immigration into, British India, and inter-provincial migration.

30. Criminal law, including criminal procedure.

31. Central police organization.

32. Control of arms and ammunition.

33. Central agencies and institutions for research (including observatories), and for professional or technical training or promotion of special studies.

34. Ecclesiastical administration, including European cemeteries.

35. Survey of India.

36. Archaeology.

37. Zoological Survey.

38. Meteorology.

39. Census and statistics.

40. All–India services.

41. Legislation in regard to any provincial subject, in so far as such subject is in Part II of this Schedule stated to be subject to legislation by the Indian legislature, and any powers relating to such subject reserved by legislation to the Governor General in Council.

42. Territorial changes, other than intra-provincial, and declaration of laws in connection therewith.

43. Regulation of ceremonial, titles, orders, precedence, and civil uniform.

44. Immovable property in the possession of the Governor General in Council.

45. The Public Service Commission.

46. All matters expressly excepted by the provisions of Part II of this Schedule, from inclusion among provincial subjects.

47. All other matters not included among provincial subjects under Part II of this Schedule.

PART II.—PROVINCIAL SUBJECTS.

[Some of these Provincial subjects are "transferred," the rest are "reserved." The transferred Provincial Subjects are set out in Schedule II to Rule 6 of the Devolution Rules. This schedule is not given separately here, but the transferred subjects are those marked with an asterisk. Except where otherwise indicated in the footnotes, subjects so marked are transferred in all Governors' provinces.]

*1. Local self-government, that is to say, matters relating to the constitution and powers of municipal corporations, improvement trusts, district boards, mining boards of health, and other local authorities established in a province for

the purpose of local self-government, exclusive of matters arising under the Cantonments Act, 1910; subject to legislation by the Indian legislature as regards:—

(a) the powers of such authorities to borrow otherwise than from a provincial government, and

(b) the levying by such authorities of taxation not included in Schedule II to the Scheduled Taxes Rules.

*2. Medical administration, including hospitals, dispensaries, and asylums, and provision for medical education.

*3. Public health and sanitation and vital statistics; subject to legislation by the Indian legislature in respect to infectious and contagious diseases to such extent as may be declared by any Act of the Indian legislature.

*4. Pilgrimages within British India.

*†5. Education; provided that—

(a) the following subjects shall be excluded, namely:—

(i) the Benares Hindu University, the Aligarh Muslim University and such other Universities constituted after the commencement of these rules as may be declared by the Governor-General in Council to be central subjects, and

(ii) Chiefs' Colleges and any institution maintained by the Governor General in Council for the benefit of members of His Majesty's Forces or of other public servants or of the children of such members or servants; and

(b) the following subjects shall be subject to legislation by the Indian legislature, namely:—

the definition of the jurisdiction of any University outside the province in which it is situated.

*‡6. Public works, other than those falling under entry 14 of this Part and included under the following heads, namely:—

(a) construction and maintenance of provincial buildings used or intended for any purpose in connection with the administration of the province; and care of historical monuments, with the exception of ancient monuments as defined in section 2 (1) of the Ancient Monuments Preservation Act, 1904, which are for the time being declared to be protected monuments under section 3 (1) of that Act; provided that the Governor-General in Council may, by notification in the "Gazette of India," remove any such monument from the operation of this exception, either absolutely or subject to such conditions as he may, after consultation with the local Government or local Governments concerned, prescribe;

(b) roads, bridges, ferries, tunnels, ropeways, causeways and other means of communication, subject to the provisions of rule 12A, of these Rules, and of any orders made thereunder;

(c) tramways within municipal areas; and

(d) light and feeder railways and extra-municipal tramways, in so far as provision for their construction and management is made by provincial legislation; subject to legislation by the Indian legislature in the case of any such railway or tramway which is in physical connection with a main line or is built on the same gauge as an adjacent main line.

7. Water supplies, irrigation and canals, drainage and embankments, water storage and water power; subject to legislation by the Indian legislature with regard to matters of inter-provincial concern or affecting the relations of a province with any other territory.

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† European and Anglo-Indian Education is transferred only in Burma.

‡ Transferred in all Governor's provinces except Assam, with the exception that the construction and maintenance of residences of Governors are everywhere reserved.

8. Land revenue administration as described under the following heads, namely,—

(a) assessment and collection of land revenue;

(b) maintenance of land records, survey for revenue purposes, records-of-rights;

(c) laws regarding land tenures, relations of landlords and tenants, collection of rents;

(d) Courts of Wards, incumbered and attached estates;

(e) land improvement and agricultural loans;

(f) colonization and disposal (subject to any provisions or restrictions that may be prescribed by the Secretary of State in Council under section 30 of the Act) of Crown lands not in the possession of the Governor-General in Council, and alienation of land revenue; and

(g) management of Government estates.

9. Famine relief.

*10. Agriculture, including research institutes, experimental and demonstration farms, introduction of improved methods, provision for agricultural education, protection against destructive insects and pests, and prevention of plant diseases; subject to legislation by the Indian Legislature in respect to destructive insects and pests and plant diseases to such extent as may be declared by any Act of the Indian Legislature.

*11. Civil Veterinary Department, including provision for veterinary training, improvement of stock, and prevention of animal diseases; subject to Legislation by the Indian Legislature in respect to animal diseases to such extent as may be declared by any Act of the Indian Legislature.

*12. Fisheries.

*13. Co-operative Societies.

*†14. Forests, including preservation of game therein and all buildings and works executed by the Forest Department; subject to legislation by the Indian Legislature as regards disforestation of reserved forests.

15. Land acquisition; subject to legislation by the Indian Legislature.

*16. Excise, that is to say, the control of production, manufacture, possession, transport, purchase, and sale of alcoholic liquor and intoxicating drugs, and the levying of excise duties and licence fees on or in relation to such articles, but excluding, in the case of opium, control of cultivation, manufacture and sale for export.

17. Administration of justice, including constitution, powers, maintenance and organisation of courts of civil and criminal jurisdiction within the province; subject to legislation by the Indian Legislature as regards High Courts, Chief Courts, and Courts of Judicial Commissioners, and any courts of criminal jurisdiction.

18. Provincial law reports.

19. Administrators General and Official Trustees; subject to legislation by the Indian Legislature.

20. Non-judicial stamps, subject to legislation by the Indian Legislature, and judicial stamps, subject to legislation by the Indian Legislature, as regards amount of court fees levied in relation to suits and proceedings in the High Courts under their original jurisdiction.

*21. Registration of deeds and documents; subject to legislation by the Indian Legislature.

*22. Registration of births, deaths, and marriages; subject to legislation by the Indian Legislature for such classes as the Indian Legislature may determine.

*23. Religious and charitable endowments.

24. Development of mineral resources which are Government property, subject to rules made or sanctioned by the Secretary of State, but not including the regulation of mines.

24A. Control of production, supply and distribution of any articles to the extent to which by rule made by the Governor General in Council or by or under legislation by the Indian Legislature such control is directed to be exercised by a local Government.

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† Transferred in Bombay and Burma only.

*25. Development of industries, including industrial research and technical education.

26. Industrial matters included under the following heads, namely,—

(a) factories;

(b) settlement of labour disputes;

(c) electricity;

(d) boilers;

(e) gas;

(f) smoke nuisances; and

(g) welfare of labour, including provident funds, industrial insurance (general, health and accident), and housing;

subject as to heads (a), (b), (c), (d), and (g) to legislation by the Indian Legislature.

*‡27. Stores and stationery, subject, in the case of imported stores and stationery, to such rules as may be prescribed by the Secretary of State in Council.

*28. Adulteration of foodstuffs and other articles; subject to legislation by the Indian Legislature as regards import and export trade.

*29. Weights and measures; subject to legislation by the Indian Legislature as regards standards.

30. Ports, except such ports as may be declared by rules made by the Governor General in Council or by or under Indian legislation to be major ports.

31. Inland waterways, including shipping and navigation thereon so far as not declared by the Governor General in Council to be central subjects, but subject as regards inland steam vessels to legislation by the Indian Legislature.

32. Police, including railway police; subject, in the case of railway police, to such conditions as regards limits of jurisdiction and railway contributions to cost of maintenance as the Governor General in Council may determine.

33. The following miscellaneous matters, namely,—

*†(a) regulation of betting and gambling;

*†(b) prevention of cruelty to animals;

*†(c) protection of wild birds and animals;

(d) control of poisons, subject to legislation by the Indian Legislature;

(e) control of vehicles, subject, in the case of motor vehicles, to legislation by the Indian Legislature as regards licences valid throughout British India; and

*†(f) control of dramatic performances and cinematographs, subject to legislation by the Indian Legislature in regard to sanction of films for exhibition.

34. Control of newspapers, books and printing presses; subject to legislation by the Indian Legislature.

35. Coroners.

36. Excluded areas.

37. Criminal tribes; subject to legislation by the Indian Legislature.

38. European vagrancy; subject to legislation by the Indian Legislature.

39. Prisons, prisoners (except persons detained under the Bengal State Prisoners Regulation, 1818, the Madras State Prisoners Regulation, 1819, or the Bombay Regulation, XXV of 1827) and reformatories; subject to legislation by the Indian Legislature.

*40. Pounds and prevention of cattle trespass.

41. Treasure trove.

*42. Libraries (except the Imperial Library) and museums (except the Indian Museum, the Imperial War Museum, and the Victoria Memorial, Calcutta) and Zoological Gardens.

43. Provincial Government Presses.

44. Elections for Indian and provincial Legislatures; subject to rules framed under sections 64 (1) and 72A (4) of the Act.

45. Regulation of medical and other professional qualifications and standards; subject to legislation by the Indian Legislature.

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‡ Only Stores and Stationery required for transferred departments are transferred.

† Transferred in Burma only.

46. Local Fund Audit, that is to say, the audit by Government agency of income and expenditure controlled by local bodies.

47. Control, as defined by rule 10, of members of all-India and provincial services serving within the province; and control subject to legislation by the Indian Legislature, of public services within the province other than all-India services.

48. Sources of provincial revenue, not included under previous heads, whether :—

(*a*) taxes included in the Schedules to the Scheduled Taxes Rules; or

(*b*) taxes not included in those Schedules, which are imposed by or under provincial legislation which has received the previous sanction of the Governor General.

49. Borrowing of money on the sole credit of the province; subject to the provisions of the Local Government (Borrowing) Rules.

50. Imposition by legislation of punishments by fine, penalty, or imprisonment for enforcing any law of the province relating to any provincial subject; subject to legislation by the Indian Legislature in the case of any subject in respect of which such a limitation is imposed under these rules.

51. Any matter which, though falling within a central subject, is declared by the Governor General in Council to be of a merely local or private nature within the province.

CHAPTER 4.—THE PROVINCIAL LEGISLATURE.

145. In each of the eight major provinces to which the Reforms of 1919 originally applied, the new Act set up a unicameral and triennial legislature called a Legislative Council, and a similar arrangement was applied to Burma when it was created a Governor's province in 1923. Political ideas are so rapidly assimilated by Indian progressives and the sense of novelty so quickly wears off that it is really necessary to pause and appreciate the extent of the transformation. Less than ten years ago there was not a province in India in which parliamentary institutions existed. The Morley-Minto legislative councils, with power to legislate and to advise, but with no effective administrative control, had been presided over by the Head of the provincial Executive himself—the Governor in the three Presidencies, the Lieutenant-Governor or Chief Commissioner elsewhere—and naturally he exercised an exceptional influence over all deliberations. The new councils (in accordance with a change of plan made by the Joint Select Committee), instead of being presided over by the Governor, have a president who after the first four years is elected by the members themselves. The Morley-Minto legislative councils had, indeed, still embodied the idea that the Executive Government should be expanded for the purposes of law-making. In five out of the nine provinces directly affected by the Reforms there had been " one man " government, i.e., the head of the Executive had no Executive Councillors to assist him. As for the " additional " members of the Morley-Minto legislative councils, they had been chosen by the method we have detailed in an earlier paragraph; no general franchise and no territorial constituencies existed; and the powers of the councils were limited in the way we have described. The Morley-Minto Constitution had only lasted nine years when the authors of the Montagu-Chelmsford Report declared that it had exhausted its usefulness.* In particular, they criticised the lack of any real connection between the primary voter and the member who sat in the councils, except in constituencies composed of some special class or community, such as landlords and the Muhammadans. And they declared that " the work of calling into existence an electorate capable of bearing the weight of responsible government is still to be done : and, as we shall see, the difficulties are great and it is likely to be a work of time."† It is, we think, only fair to remember, in estimating the success of the new legislative councils, that what was being attempted was an entirely new departure and that this new departure was inaugurated less than a decade ago.

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* M/C Report, para. 100.

† M/C Report, para. 83.

Composition of the Legislative Councils.

146. The Act of 1919 provides that at least 70 per cent. of the members of a legislative council shall be elected members (in the case of Burma 60 is substituted for 70 per cent.) and that not more than 20 per cent. shall be "official members". To a British Member of Parliament, at any rate, the conception in the phrase "official members" needs some explanation. An "official," within the meaning of the Act, is a person in the whole-time civil or military service of the Crown in India and remunerated as such. He may be in the All-India cadres, like a member of the Indian Civil Service, or in the provincial service. The definition, of course, has nothing to do with race, and both British and Indian officials have been added to the councils. What is involved, therefore, is that certain members of the permanent civil service of the country also perform duties of a parliamentary kind. Thus, in the course of the evolution of Indian government we have passed from the stage in which an executive council was enlarged for the purposes of law-making by including certain "additional" members, to the stage where a body which is primarily discharging legislative functions and which consists for the most part of elected members is completed by adding to it certain permanent officials who are agents of the Executive. An "official member" is an official who is appointed by the Governor to serve on the provincial council. He is not necessarily a member of the Governor's Executive Council, though the Executive Councillors are among the official members. Besides elected and official members, there is a third stream of contribution to make up the whole, and this is provided through nomination by the Governor of non-officials. Nomination is resorted to for two purposes. In some cases it is the method adopted for securing a spokesman for a class or community which would otherwise go unrepresented. In other cases a nominated seat is filled by the Governor in the exercise of his general discretion, to redress inequalities or to fill up an undesirable gap. The Montagu-Chelmsford Report did not itself prescribe the exact composition of the legislative councils, but left this to be considered by a special Committee appointed for the purpose, which visited India under the presidency of Lord Southborough. The recommendations of this Franchise Committee, which also covered the Central Legislature, are recorded in a bulky volume containing a number of appendices and presenting the results of a minute examination of the problems of franchise, distribution of seats, qualification of candidates, nomination, and official representation over the whole area then under treatment. These recommendations were considered by the authorities and the approved arrangements were embodied in Electoral Rules, made under a section of the Act, after they had been considered and reported on by the Joint Select Committee of both Houses appointed to revise them. So

far as the actual composition of the nine legislative councils is concerned, the existing distribution is as follows :

—	1. Statutory minimum.	2. Elected.	3. Nominated officials, *plus* Executive Councillors.	4. Nominated non-officials.	5. Actual total.
Madras	118	98	7+4	23	132
Bombay	111	86	15+4	9	114
Bengal	125	114	12+4	10	140
United Provinces ...	118	100	15+2	6	123
Punjab	83	71	13+2	8	94
Bihar and Orissa ...	98	76	13+2	12	103
Central Provinces ...	70	55	8+2	8	73
Assam	53	39	5+2	7	53
Burma	92	80	14+2	7	103

The precise figures vary from time to time as between columns 3 and 4, since the number of official members is usually less than the maximum authorised.

Franchise.

147. The Montagu-Chelmsford Report, in more than one passage, indicated its intention that the franchise for the legislative councils should be " broad ". The Franchise Committee was to " measure the number of persons who can in the different parts of the country be reasonably entrusted with the duties of citizenship,"* and the limitations of the franchise were to be " determined rather with reference to practical difficulties than to any *a priori* considerations as to the degree of education or amount of income which may be held to constitute a qualification."† Nevertheless, it was only found possible to confer the franchise on about one-tenth of the adult male population. The normal qualification for the vote is residence within the constituency, coupled with the payment of a small amount in land revenue, rent, or local rates in rural areas, and of municipal rates in urban areas. All payers of income tax, and all retired, pensioned or discharged officers or men of the regular forces are also enfranchised. Even so, a large proportion of the voters are illiterate, and special devices are adopted to assist them to express their choice at the polls, such as the adoption of pictorial symbols —a " tiger " or an " umbrella ", for example—to indicate particular candidates,‡ or the use of boxes of different colours to receive the ballot-papers. The Electoral Rules did not establish women's suffrage, but they empowered the legislative councils by resolution to remove the sex barrier themselves, and this has now been done in every province. The number of women who

* M C Report, para. 225.
† M C Report, para. 226.
‡ See the specimen ballot paper reproduced on opposite page.

Specimen Ballot Paper.

मं ३२

Constituency—BOMBAY CITY—(North) Non-Muhammadan Urban.

Name or Number of Polling Station.

Number of Elector on Electoral Roll.

Ward.

Part of Roll.

Signature or Thumb Impression of Elector.

NAME AND SYMBOL OF CANDIDATE उमेदवाराचें नांव व चिन्ह. ઉમેદવારનું નામ તથા નિશાન.		CROSS फुली × ચોકડી ×
ANANDRAO NARAYAN SURVE ... आनंदराव नारायण सुर्वे ... ... આનંદરાવ નારાયણ સુર્વે		
FRAMROZ JAMSHEDJI GINWALLA ... फ्रामरोज जमशेटजी जिनवाला ... ... ફ્રામરોજ જમશેદજી જીનવાલા		
KHIMJI NATHU ... ... खीमजी नथू ... ... ખીમજી નાથુ		
MANAJI RAJUJI .. .. मानाजी राजूजी... .. .. માનાજી રાજુજી		
MANCHERSHA DHUNJIBHAI GILDER. मनचरशा धनजीभाई गिल्डर ... ... મનચેરશા ધનજીભાઇ ગીલ્ડર		
MAVJI GOVINDJI SETH ... मावजी गोविंदजी शेट ... ... માવજી ગોવિંદજી શેઠ		
MORESHWAR CHINTAMAN JAVLE ... मोरेश्वर चिंतामण जावळे ... ... મોરેશ્વર ચિંતામણ જાવલે		
NARAYAN DAMODAR SAVARKAR ... नारायण दामोदर सावरकर... ... ... નારાયણ દામોદર સાવરકર		
NISSIM, MEYER .. .. निसिम, मेयर ... ... નિસિમ, મેયર		
RAJARAM KESHAV VAIDYA ... ... राजाराम केशव वैद्य ... ... રાજારામ કેશવ વૈદ્ય		
RAMCHANDRA SANTURAM ASAVLE... . रामचंद्र संतूराम आसवले ... ... રામચંદ્ર સંતુરામ આસવલે		
REUBEN SOLOMON ... ... रुबेन सालोमन ... ... રૂબેન સોલોમન		

........NOTE.—See Instructions printed on the reverse.........
टीप.—मागील बाजूवर छापिलेल्या सूचना पहा. ટીપ.—પાછળ છાપેલી સૂચના જુઓ.

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અનુક્રમ નંબર

INSTRUCTIONS

सूचना

સૂચના

1. The number of members for whom you may vote is THREE.

१. तुम्हांस तीन मतें आहेत.

૧. તમારે ત્રણ ઉમેદવારોને મત આપવાનો હક છે.

2. Place a cross mark thus × against the name of the candidate / each of the candidates for whom you wish to vote.

२. ज्या उमेदवारास (उमेदवारांस) मत देण्याची तुमची इच्छा असेल त्या उमेदवाराच्या (उमेदवारांच्या) नांवापुढें (नांवांपुढें) असा × फुली करा.

૨. જે ઉમેદવાર (ઉમેદવારો)ને તમારો મત આપવાની ઇચ્છા હોય તે ઉમેદવાર (ઉમેદવારો)નાં નામ સામે આ પ્રમાણે × ચોકડી કરવી.

3. The mark should be placed against not more than THREE.

३. मतपत्रकावर तुम्हीं एकूण तीन फुल्यांपेक्षां जास्त फुल्या करतां कामा नये.

૩. ત્રણ ઉમેદવારોનાં નામ કરતાં વધુ ઉમેદવારોનાં નામ સામે ચોકડી કરવી નહીં.

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possess in their own right the franchise qualification is, however, exceedingly small. There are, for example, about 116,000 female voters in the Madras Presidency, 39,000 in Bombay, 37,000 in Bengal, 51,000 in the United Provinces, and 21,000 in the Punjab—figures which amount in every case, except the first, to less than one per cent. of the adult female population of the province. Burma, where the status of women is so different, provides a contrast; nearly five per cent. of the adult female population is enfranchised. This result is largely due to the fact that, in Upper Burma, a large number of women pay *thathameda* (a tax on non-agricultural income assessed on households) as heads of families, and payment of this tax is the principal electoral qualification there.

148. We now pass from the franchise to distribution of seats, and here emerges the gravest and most difficult of all the questions that arise in connection with the composition of Indian electoral assemblies. Are the qualified voters of a district to be thrown indiscriminately into a common list, and left to choose their representatives by methods which do not recognise the distinction between the great religious communities of India? Or are communal electorates to be created, so that Muhammadan voters alone will vote for candidates of their own faith, while non-Muhammadan electors are grouped in other constituencies by themselves, and never come into electoral contact with their Muhammadan fellow citizens? Or is some intermediate arrangement to be adopted by which a joint electorate is maintained but the special community is guaranteed a certain number of seats which are " reserved " for it, so that while the character of the representation is, to this extent, pre-ordained, the choice of the actual occupants of these reserved seats is in the hands of voters of all denominations? It is no exaggeration to say that the answer to these questions is regarded as of far more importance to large bodies of Indian opinion than any other matter involved in the structure of the councils.

Communal Electorates.

149. The Montagu-Chelmsford Report fully discussed the question of communal electorates.† It declared that they were opposed to the teaching of history; that they perpetuated class division; that they stereotyped existing relations; and that they constituted " a very serious hindrance to the development of the self-governing principle." But, none the less, the Joint Authors felt constrained, so far as the Muhammadans were concerned, to admit this system into the constitution they were framing, and to concede a similar arrangement to the Sikhs of the Punjab. The explanation is that the facts were too strong for them. The Muhammadans relied on past assurances which they regarded as vital to their interests, and which the community as a whole protested must not be withdrawn. They

† M/C Report, paras. 227–232.

pointed to the fact that they were given special representation with separate electorates in 1909. Moreover, the argument for a separate Muhammadan electorate was materially strengthened by reason of an agreement which had been arrived at in 1916 between Hindu and Muhammadan leaders and which went by the name of the "Lucknow Pact". We have collected together in an Appendix at the end of this Part of our Report* more of the details of the history of these matters, for the subject of separate Muhammadan representation has to be closely studied in its historical aspect before a decision can be reached for the future. But it is sufficient in sketching the Montagu constitution to reproduce the conclusion at which the Report arrived, and to describe the arrangements by which this conclusion was carried into effect. "Much as we regret the necessity," ran the Report, "we are convinced that so far as the Muhammadans at all events are concerned the present system must be maintained until conditions alter, even at the price of slower progress towards the realisation of a common citizenship."† Accordingly, the voters in "general" constituencies were divided into two lists, Muhammadans and non-Muhammadans. Territorial constituencies, usually based on an administrative district, or a group of districts, were carved out for each. Since Muhammadans are generally in a minority, a single Muhammadan seat often covers an area equal to several non-Muhammadan constituencies. In allocating the proportion of separate Muhammadan and non-Muhammadan seats, the Franchise Committee took the Lucknow Pact as a guide, with the important result that Muhammadan representation was considerably in excess of its population ratio in those provinces in which Moslems were in a minority. The authors of the Montagu-Chelmsford Report wrote that they could "see no reason to set up communal representation for Muhammadans in any province where they form a majority of the voters,"† but in the only two provinces, Bengal and the Punjab, where they form a majority of the inhabitants, their comparative poverty has resulted in their having a minority of the votes, and the method of communal representation has been applied in those provinces as elsewhere. Muhammadan representation in Bengal, based as in other provinces on the Lucknow Pact, gives them fewer seats than they would receive if these were allotted in proportion to their voting ratio. In the Punjab the proportion of Moslem seats, though less than the population ratio, is somewhat higher than the voting ratio. The detailed figures for all provinces are given in the table at the end of the Appendix on the History of Muhammadan Representation.

The Sikhs of the Punjab were also provided with a separate electoral roll and separate constituencies. The Sikhs are

* Appendix V, "Note on the History of Separate Muhammadan Representation," pp. 183–189.

† M C Report, para. 231.

11.1 per cent. of the population of the province, but they constitute 24·1 per cent. of the voters and have 17·9 per cent. of the communal seats. This allocation is not based on the Lucknow Pact, to which the Sikhs were not a party. The reason for the noteworthy contrast between the Sikhs' voting strength and their population percentage is that prosperous Sikh farmers are exceptionally numerous in many agricultural districts of the Punjab, and they probably also form relatively a higher percentage than other communities of those who secure the vote as ex-soldiers.

Representation of other Minorities.

150. But the subdivision of the electorate did not stop at the separation from each other of great religious communities. Within the general body of " non-Muhammadans ", special arrangements were made to secure that a minimum of seats should be " reserved " for sections of the Hindu population which it was claimed might otherwise be under-represented. For example, in Madras, out of 65 seats allotted to non-Muhammadans, 28 are reserved for non-Brahmins; in Bombay 7 out of 46 non-Muhammadan seats are reserved for " Marathas and allied Castes ". This method of reservation of seats necessarily involves plural-member constituencies, for it works by securing that a candidate with the " reserved " qualification will be one of those returned, even if he is not at the top of the poll. It should be noted that reservation was resorted to in these instances to safeguard *majority* communities, who were thought to be likely to be under the dominance of a strongly entrenched minority. Its operation and effect in such cases do not, therefore, necessarily afford guidance as to the results which would follow from the reservation of seats as a means of protecting *minority* communities. This is a question to which we shall have to return in our second volume.

Members of the depressed classes vote, in the rare cases where they have the property qualification, on the non-Muhammadan roll, but provision had to be made for their further representation by nomination. In the Madras Council there are 10 members nominated by the Governor to represent nine named castes, which include practically all those generally known in the province as depressed classes; elsewhere the Governor nominates members to represent those whom he considers depressed classes in the following numbers :—Central Provinces 4, Bombay and Bihar and Orissa 2 each, Bengal and the United Provinces one each. There are no such nominated members in the Punjab and Assam

Nomination is also resorted to in order to secure representation of the workers in organised industry, three members being nominated for this purpose in Bombay, two in Bengal, and one in each of the other provinces, except in the United Provinces and Madras, where there are none. At the instance of the Joint Select Committee, who desired that an effort should be made

to secure a better representation of the wage-earning classes, a scheme was devised by the Bombay and Bengal Governments (though not recommended by them), for forming special constituencies in Bombay and Calcutta cities respectively for workers in certain factories in receipt of wages of defined amounts. The Joint Committee felt that these suggestions would afford only a very incomplete solution of the problem and might turn out to be unworkable; so it advised against their adoption. As yet, nomination is the only method of securing special representation for organised labour that has anywhere been tried, so far as the legislatures are concerned. An interesting experiment, however, has recently been made in Bombay City of electing certain municipal councillors indirectly by a body of delegates chosen by members of registered Trade Unions.

Separate electorates were also provided (although not contemplated by the Montagu-Chelmsford Report, which would have preferred nomination) for Indian Christians, Anglo-Indians and Europeans. When the Burma Legislative Council was constituted in 1923, a similar method was also adopted for Indians resident in Burma and for members of the Karen race. Indian Christians have 5 seats filled by this means in Madras; Anglo-Indians 2 in Bengal, one in Madras, and one in Burma; Europeans 5 in Bengal, 2 in Bombay, and one in each of the provinces of Madras, United Provinces, Bihar and Orissa and Burma. In Burma, the separate electorate of Indians fills 8 out of the 22 urban seats, and the Karens 5 out of the 49 rural seats. In provinces in which separate electorates do not exist for Europeans, Anglo-Indians, or Indian Christians, they are each represented by one nominated member, except that there is no provision for their representation in Assam, and the Central Provinces has only one nominated member for Europeans and Anglo-Indians taken together, and none for Indian Christians.

In addition to the representation which Europeans secure in this way, they also find the opportunity for filling additional seats in the councils in every province through some of the places allotted to Chambers of Commerce, Trade Associations, and Mining and Planting Associations. Seats of this class vary in number from 15 in Bengal to 2 in the Punjab, totalling 51 in all. These electing bodies, which represent the directorates or managements of the great business interests of the country—and not the employees—are as a rule definitely or overwhelmingly either European or Indian, but a few are so constituted as to make it possible in practice for them to return either an Indian or a European. Out of the total of 51, about 30 to 32 are under present conditions ordinarily filled by Europeans.

Except in Burma and Assam, there are special seats in every province, from six to three in number, filled by election by the big landholders. The Montagu-Chelmsford Report had expressed

the view that "where the great landowners form a distinct class in any province we think that there will be a case for giving them an electorate of their own."*

University Seats.

151. A university seat is provided in each province, except Assam; Bengal has two. University representation was first proposed in the time of Lord Dufferin, as one means for expressing such corporate opinion as then existed in the country, and it was included in the Indian Councils Act of 1892. The authors of the Montagu-Chelmsford Report wished to limit special electorates as much as possible, and doubted whether university representation needed to be retained; they did not make any positive recommendation in either sense.† The Southborough Committee proposed both the retention of all existing university seats and the admission of certain new universities to the same privilege (making eight university seats in all), the electorate consisting, as heretofore, of the Senate and Fellows only. The view expressed by the Government of India was that the only result of retaining university seats would be "to add to the representation of the professional classes and to do something to carry politics into academic circles‡." The Despatch also said:

> "We can discern no real divergence of interests between the universities and the educated classes in general. If it were the case that the university seats were given to academic interest or high scholarship we should welcome their inclusion, but we cannot anticipate that the representatives whom they will return will be different in kind from those of the professional classes in general."

The Joint Select Committee, however, retained university representation, but recommended the extension of the university franchise to all graduates of over seven years' standing, a recommendation to which effect has been given in the Electoral Rules.

Effect of Specialised Representation.

152. It is certainly a very striking thing that the effort to apply representative institutions to an Indian province should result in the formation of a legislature composed by making special provision for contributions from such a variety of sources. One result of such a method is that the contribution from a given source is practically fixed in amount; a community gets its guaranteed number of members and no more, save that a little common ground is provided by the landholder constituencies, certain trade seats, and the universities. The representatives of these last are almost invariably Hindus. Representation of rival communities and different interests is the only principle upon which it has been found possible to constitute, by the method of direct election, the legislative bodies of India, and this is

* M/C Report, para. 232. † M/C Report, para. 232.

‡ Fifth Despatch on Indian Constitutional Reforms, dated 23rd April, 1919.

the more significant as the authors of the Montagu-Chelmsford Report manifestly struggled against it.

Two tables are appended to this chapter. The first* shows the composition of the provincial legislatures laid down by the statutory electoral rules. The second† shows the proportion of seats held by each community in the councils elected in 1926 (assigning, as nearly as we are able, to their respective communities those members who are elected by special constituencies or are nominated) together with the population ratio, and voting ratio in the general constituencies, of these communities. Burma is not included in the second table.

Legislative Powers of the Councils.

153. The Montagu-Chelmsford Report in paragraph 258 intimated that consideration had been given by its authors to the feasibility of establishing a bicameral system in the provinces. The decision was against it, for various reasons stated in the paragraph; but it was proposed that the question should be further considered when the Statutory Commission reported, and this is one of the specific tasks laid upon us. In the course of the second volume of our Report we shall endeavour to discharge it. The law-making powers of the province have, therefore, been exercised since 1921 by a single chamber whose composition we have described, and those powers are extensive. It has power to legislate "for the peace and good government" of the province, subject to certain qualifications. But on a specified list of matters it cannot legislate, even for its own territorial area, without the previous sanction of the Governor-General—for example, such previous consent is needed for a provincial Bill "regulating any central subject" or dealing with a number of other matters which, though they may affect the province, are primarily the concern of the Central Government. We explained in the previous chapter the ingenious arrangement which prevents controversy arising as to whether a particular piece of legislation should have been undertaken by the central or by a provincial legislature; the former has concurrent powers on all subjects, though it normally legislates only on central subjects.

The Reserve Powers of the Governor.

154. Bills passed by a provincial legislature require the assent, not only of the Governor, but of the Governor-General. And certain classes of Bills, e.g., Bills touching religion or affecting in certain directions the land revenue of the province, must be reserved by the Governor for the consideration of the Governor-General. So far, we are dealing merely with the usual, but rarely exercised, power of the Crown's representative to prevent Bills becoming law, which the legislature is willing to pass. But to this usual power of veto has been added a very unusual power also placed in the Governor's hands—that of overcoming the unwillingness of the provincial legislature, in certain cases, to

* Appendix III, pp. 144–5. † Appendix IV, pp. 146–7.

pass proposals put before it. This may be done by the Governor certifying that the passage of a Bill is "essential for the discharge of his responsibility for the subject." The Bill must be one relating to a "reserved" subject, for if an Indian Minister introduces a Bill dealing with a "transferred" subject and the legislative council does not pass it, the usual consequences of rejection follow. We have to explain and illustrate this distinction between reserved and transferred subjects, which is the essence of dyarchy, in the next chapter. If, then, the provincial council refuses to consider, or to pass in a form recommended by the Governor, a Bill relating to a reserved subject, the Governor may, by certifying that its passage is essential, put the Bill in the same position as though it had been actually passed by the legislature. This was actually done in the time of Lord Lytton in connection with the Criminal Law Amendment Act of Bengal in 1925. But the Governor cannot, unless he considers that a state of emergency exists, turn the Bill which he has certified into an Act by himself assenting to it; it must be reserved for the signification of His Majesty's pleasure to be expressed by the King in Council, and must have been laid before both Houses of Parliament for eight days of their session before being presented for His Majesty's assent.*

155. An analogous power of overcoming the unwillingness of the provincial legislatures is placed in the Governor's hands in relation to finance. Section 72D (2) (a) of the Government of India Act provides that, if a demand for a grant (corresponding to a Vote in Supply), which has been refused by the legislative council, relates to a reserved subject and the Governor certifies that the expenditure provided for by the demand is essential to the discharge of his responsibility for the subject, action may be taken as though the money had been voted. Here again it must be noted that this is limited to expenditure on a reserved subject. If the legislative council rejects a demand for a grant for a transferred subject, the money cannot lawfully be paid, unless the case comes within proviso (b) of section 72D (2), under which the Governor has power, in cases of emergency, to authorise necessary expenditure for the safety or tranquillity of the province or for the carrying on of *any* department.

* A still more elaborate method of securing the passage of provincial legislation considered essential in the interests of the reserved departments was proposed by the Montagu-Chelmsford Report. This involved the constitution, in connection with each provincial legislature, of a Grand Committee containing a nominated majority together with a minority chosen by the system of the transferable vote from the elected members of the council. The rejected Bill was to be referred to this Grand Committee, whose approval, after further opportunities for consideration by the Council, would be equivalent to the passage of the measure. See M/C Report, paras. 252, 253. The Joint Select Committee rejected this device, observing "the Committee think it much better that there should be no attempt to conceal the fact that the responsibility" (for legislation on reserved subjects) "is with the Governor in Council, and they recommend a process by which the Governor should be empowered to pass an Act in respect of any reserved subject, if he considers that the Act is necessary for the proper fulfilment of his responsibility to Parliament."

APPEN

TABLE SHOWING THE COMPOSITION OF THE PROVINCIAL LEGIS

Province.	Executive Councillors and nominated members (other than those nominated to represent specified classes or interests). (a)	Members nominated to represent the classes or interests specified (a).					Members	
							Non-Muhammadan.	
		Depressed classes.	Anglo-Indians.	Indian Christians.	Labour.	Others	Urban.	Rural.
Madras ...	23	10	—	—	—	1 (Backward tracts.)	9 (3 reserved for non-Brahmins.)	56 (25 reserved for non-Brahmins.)
Bombay ...	20	2	1	1	3	1 (Cotton trade.)	11 (1 reserved for Mahrattas.)	35 (6 reserved for Mahrattas.
Bengal ...	22	1	—	1	2	—	11	35
United Provinces	20	1	1	1	—	—	8	52
Punjab ...	18	—	1	1	1	2 (1 European and 1 Military.)	7	13
Bihar and Orissa.	18	2	1	1	1	4 (2 Aboriginees 1 Industry other than Planting and Mining 1 Bengalis.)	6	42
Central Provinces (including Berar).	11	4	1 (Anglo-Indian and European.)	—	1	1 (Excluded Areas.)	9	32
Assam ...	12	—	—	—	1	1 (Backward tracts.)	1 (this is a non-communal constituency.)	20
Burma ...	22	—	—	—	1	—	General Urban. 14	Indian Urban. 8

(a) The number of officials included among the nominated members may not exceed the following maxima:—Madras 19, Bombay 16, Bengal 18, United Provinces 16, Punjab 14, Bihar and Orissa 18, Central Provinces 8, Assam 7, Burma 14.

DIX III.

LATIVE COUNCILS, AS LAID DOWN IN THE ELECTORAL RULES.

returned by General Constituencies.						Members returned by Special Constituencies.			Total.
Muhammadan.		Sikhs.	Anglo-Indians.	Indian Christians.	Europeans.	Landholders.	University.	Commerce and Industry, etc. (*b*)	
Urban.	Rural.								
2	11	—	1	5	1	6	1	6 (5 Commerce and Industry and 1 Planting.)	132
5	22	—	—	—	2	3	1	7	114
6	33	—	2	—	5	5	2	15	140
4	25	—	—	—	1	6	1	3	123
5	27	12 (1 Urban 11 Rural.)	—	—	—	4	1	2	94
3	15	—	—	—	1	5	1	3 (Planting and Mining)	103
1	6	—	—	—	—	3	1	3 (2 Commerce and Industry, and 1 Mining.)	73
—	12	—	—	—	—	—	—	6 (5 Planting and 1 Commerce and Industry.)	53
General Rural. 44	Karen Rural. 5	—	1	—	1	—	1	6	103

(*b*) See penultimate section of para. 150, regarding proportion of these seats held by Europeans.

APPEN

COMMUNAL COMPOSITION OF PROVINCIAL LEGISLATIVE COUNCILS TOG

Province.	Non-Muhammadans.				Sikhs.				Muhammadans.			
	Percentage of Communal seats.	Percentage of total seats.	Population ratio %.	Voting ratio %.	Percentage of Communal seats.	Percentage of total seats.	Population ratio %.	Voting ratio %.	Percentage of Communal seats.	Percentage of total seats.	Population ratio %.	Voting ratio %.
Madras	70·0	73·3	90·0	93·0	—	—	—	—	13·7	10·6	6·7	4·7
Bombay	60·7	53·5	78·9	81·0	—	—	—	—	34·2	25·4	10·8	17·7
Bengal	50·0	47·9	45·1	53·0	—	—	—	—	41·4	30·8	54·6	45·1
United Provinces	65·7	58·6	85·4	86·0	—	—	—	—	31·2	26·0	14·3	14·1
Punjab	29·8	25·5	32·0	32·1	17·9	15·9	11·1	24·1	47·7	40·4	55·2	43·7
Bihar and Orissa	70·4	61·2	88·2	88·8	—	—	—	—	25·3	18·5	10·9	10·0
Central Provinces (including Berar).	85·0	78·0	95·4	91·6	—	—	—	—	13·2	9·6	4·4	8·4
Assam	63·6	47·1	65·9	69·8	—	—	—	—	36·3	30·2	32·3	30·1

The "percentage of communal seats" is the ratio of the number of seats filled, either (*a*) from general constituencies of the community in question, or (*b*) by persons nominated to represent that community, to the total number of general constituency seats and of members nominated specifically to represent communities in the provincial Council. (Depressed classes are included with Non-Muhammadans).

The "percentage of total seats" is the ratio of the total number of members of the community in question who are in the Council to the total strength of the provincial Council. This figure is slightly variable as the communal proportions of members elected by special constituencies naturally do not remain quite constant.

DIX IV.

ETHER WITH POPULATION AND VOTING RATIOS OF THE COMMUNITIES.

Indian Christians.				Anglo-Indians.				Europeans.			
Percentage of Communal seats.	Percentage of total seats.	Population ratio %.	Voting ratio %.	Percentage of Communal seats.	Percentage of total seats.	Population ratio %.	Voting ratio %.	Percentage of Communal seats.	Percentage of total seats.	Population ratio %.	Voting ratio %.
5·3	5·3	3·2	1·8	1·0	·8	·05	·2	1·0	9·8	·02	·2
1·3	·9	1·1	Nil.	1·3	·9	·05	Nil.	2·5	19·3	·2	1·3
1·1	·7	·2	Nil.	2·1	1·4	·05	·4	5·3	19·2	·05	1·3
1·1	·8	·3	Nil.	1·1	·8	·02	Nil.	1·1	13·8	·05	·3
1·5	2·1	1·5	Nil.	1·5	1·1	·02	Nil.	1·5	14·9	·1	Nil.
1·4	1·0	·7	Nil.	1·4	1·0	·01	Nil.	1·4	18·4	·02	·5
Nil.	Nil.	·3	Nil.	1·9 (Shared with Europeans.)	1·4	·03	Nil.	1·9 (Shared with Anglo-Indians.)	10·9	·05	Nil.
Nil.	Nil.	1·9	Nil.	Nil.	Nil.	·01	Nil.	Nil.	22·6	·04	Nil.

The "population ratio" is the ratio (in 1921) of the population of the community in question to the total population of the electoral area of the province.

The "voting ratio" is the ratio of the number of voters (in 1926) of the community in question to the total number of voters in all the general constituencies of the province.

CHAPTER 5.—DYARCHY IN THE PROVINCIAL EXECUTIVE.

156. We must now give a description of that feature of the existing constitution upon which the attention and criticism of commentators have been especially concentrated—the novel distribution of executive powers in the provinces which goes by the name of " dyarchy."* And first it is necessary to appreciate why it was that the authors of the Montagu-Chelmsford Report found themselves driven to propose some division of provincial executive authority. The announcement of 20th August, 1917, declared that substantial steps in the direction of the policy therein defined should be taken as soon as possible; the Report laid it down that it was in the domain of provincial government that the first advance towards the progressive realisation of responsible government should begin; and yet the authors of the Report had reached the definite conclusion that complete responsibility for provincial government " cannot be given immediately without inviting a breakdown."† The setting up of provincial legislatures with a majority of members for the first time directly chosen by an inexperienced and largely illiterate electorate could not, they felt, be at once combined with the handing over of all provincial departments—including the Police, the Magistracy, and the Revenue—to Ministers whose administrative experience was necessarily small, and whose responsibility would be solely to the newly created legislatures and to newly enfranchised constituents. If any elected legislators were to be Ministers, it inevitably followed from these premises that some distinction must for the time being be drawn between departments which were to be placed in the hands of Ministers and departments which were retained under the control of the official bureaucracy.

Transferred and Reserved Subjects.

157. The method followed was to subdivide those subjects which had been classed as provincial into " transferred subjects " and " reserved subjects," and to remove the former, though not the latter, from purely official administration and place them under ministerial control. The subdivision was not directly effected by any section of the Government of India Act, but section 45A (1) (d) provided for rules being made " for the transfer, from among

* The word does not appear in the Act of 1919, or in the Rules made under it, or in the Montagu-Chelmsford Report. It had been employed by Mommsen to describe the dual system of government over the Roman provinces by the Emperor and the Senate, and had been previously used (with the spelling " diarchy ") by Thirlwall in reference to the two Kings of ancient Sparta. The use of the term in reference to Indian constitutional reform is due to Mr. Lionel Curtis, whose volume with this title gives a detailed account of the development of the idea and its embodiment in various schemes beginning with the Memorandum of Sir William Duke's Committee of 1915, and leading up to the plan contained in what was called the Joint Address of November 1917, with both of which schemes, and with the whole discussion of the subject, Mr. Curtis was intimately associated. The plan ultimately adopted was a variant of what he had proposed.

† M/C Report, para. 215. See also paras. 153 and 189.

provincial subjects, of subjects to the administration of the Governor acting with ministers appointed under this Act, and for the allocation of revenues or moneys for the purpose of such administration." One result of effecting the distribution by rules is that some modification is possible within the framework of the present Act; indeed, the list of transferred subjects has been slightly extended. But, though the existing distribution between reserved and transferred subjects might be revised by amending the rules without touching the Act itself, this process could not, we apprehend, be carried to the length of transferring *all* provincial subjects, for then there would be no subject reserved and nothing would be left for the official half of the Government to administer. In the list of provincial subjects set out in Appendix II† at the end of Chapter 3 above we have marked with an asterisk the subjects which are transferred. It will be seen that, generally speaking, a subject scheduled for transfer is transferred in each of the nine provinces, but Forests is a transferred subject only in Bombay and Burma. Public Works (Roads and Bridges) are reserved in the case of Assam alone. Burma has some subjects specially transferred in its case, e.g., European and Anglo-Indian Education, Regulation of Betting, Prevention of Cruelty to Animals, and Protection of Wild Life. We refer to Appendix II for the complete and precise lists, but here it may be useful to repeat the main features of the distribution.

The most important of the transferred subjects are :—

(1) Local Self-Government, e.g., matters relating to the constitution and powers of municipal corporations and district boards.

(2) Public Health, Sanitation and Medical Administration, including Hospitals and Asylums and provision for Medical Education.

(3) Education of Indians, excepting certain universities and similar institutions.

(4) Public Works, including Roads, Bridges, and Municipal Tramways (not in Assam). "Public Works", in this connection, does not include Irrigation, for this forms a separate head in the List of Provincial Subjects. It is noteworthy, therefore, that while Public Works is a transferred subject, Irrigation is reserved. Railways and Inland Waterways are, generally speaking, central subjects.

(5) Agriculture and Fisheries.

(6) Co-operative Societies.

(7) Excise so far as alcoholic liquor and intoxicating drugs are concerned, but excluding, in the case of opium, control of cultivation, manufacture, and sale for export. (The effect of this is to make all Excise a transferred subject so far as it is a provincial subject at all.)

(8) Forests, in Bombay and Burma only.

(9) Development of Industries, including Industrial Research and Technical Education.

The main reserved subjects will be found to be the following :—

(1) Irrigation and Canals, Drainage and Embankments, Water Storage and Water Power.

(2) Land Revenue Administration, including assessment and collection of Land Revenue, Land Improvement, and Agricultural Loans.

(3) Famine Relief.

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† pp. 127–31.

(4) Administration of Justice.
(5) Police.
(6) Control of Newspapers, Books, and Printing Presses.
(7) Prisons and Reformatories.
(8) Borrowing money on the credit of the province.
(9) Forests, except in Bombay and Burma.
(10) Factory inspection, Settlement of Labour Disputes, Industrial Insurance, and Housing.

The Provincial Executive.

158. The scheme of the Montagu-Chelmsford Report was, therefore, that in each province the Executive Government should consist of two parts. One part would comprise the Head of the province (now to be known in all provinces as Governor) and his Executive Council—the latter composed in practice of an Indian non-official element, as well as of a British official element. The Governor in Council would have charge of the reserved subjects. The other part of the Government was to consist of Ministers chosen by the Governor from the elected members of the provincial legislative council; to them were to be committed the portfolios dealing with transferred subjects, and on these subjects the Ministers together with the Governor would form the Administration. The Report explained that it was not the intention that the Governor should from the beginning and in all cases occupy the position of a purely constitutional Governor who is bound to accept the decision of his Ministers. He was not to over-rule them in every case when his judgment differed from theirs, but he was to "refuse assent when the consequences of acquiescence would clearly be serious," and "not to accept without hesitation and discussion proposals which are clearly seen to be the result of inexperience."* The position of Ministers, therefore, is that they are members of the Executive Government, but not members of the Executive Council. We call special attention to the view expressed in the Report that "they would be appointed for the life-time of the legislative council, and if re-elected to that body would be re-eligible for appointment as members of the executive. As we have said, they would not hold office at the will of the legislature but at that of their constituents."† This view of ministerial tenure is reiterated in a later paragraph,‡ and justified by the argument that the legislative council would have had no experience of the power of dismissing Ministers, or of the results attending the exercise of such power, and that nobody in India was as yet familiar with the obligations imposed by tenure of office at the will of a representative assembly. We shall have to return to this view of the matter, as the intentions and anticipations of the Report as regards ministerial tenure were not carried out in the

* M C Report, para. 219.
† M C Report, para. 218.
‡ M C Report, para. 222.

Act. Again, ministerial salaries, according to the scheme of the Report, were to begin by being a reserved subject, and, therefore, protected in the last resort from an adverse vote; but under the Act as passed, they have been payable only when voted.

The Two Sides of Government.

159. The statutory provisions for carrying out the system of dyarchy in the provincial Executive are briefly as follows. By section 46 (1) of the Government of India Act the government of a province is committed, in relation to reserved subjects, to the Governor in Council, and, in relation to transferred subjects, to the Governor acting with Ministers. First, as to the reserved half, Members of Council, who may not exceed four, are appointed by His Majesty; one, at least, of them must be a person who for not less than twelve years has been in the service of the Crown in India. There is nothing in the Statute to prescribe how Executive Councillorships are to be distributed as between members of different races; in practice the distribution is equal. There are four members of the Executive Council in each of the three Presidencies, and in each case (as was recommended by the Joint Committee) two of these are Indians. In the other six provinces there are two Executive Councillors, one of whom is an Indian. This, therefore, brought to an end the " one man " government which, down to 1921, existed in five of the provinces. All Executive Councillors are *ex officio* members of the legislative council, but neither their tenure of office (which is in practice limited to five years) nor their emoluments are at the discretion of that body. If an elected member of the legislative council is appointed an Executive Councillor, his seat as elected member falls vacant, but he remains, as we have said, a member *ex officio*. The Governor normally presides at meetings of his Executive Council, and if a difference of opinion arises, the decision of the majority prevails (the presiding member having, in case of equal division, a casting vote), but this rule is qualified by a provision [section 50 (2)] which we must set out in full :—

" Provided that, whenever any measure is proposed before a governor in council whereby the safety, tranquillity or interests of his province, or of any part thereof, are or may be, in the judgment of the governor, essentially affected, and he is of opinion either that the measure proposed ought to be adopted and carried into execution, or that it ought to be suspended or rejected, and the majority present at a meeting of the council dissent from that opinion, the governor may, on his own authority and responsibility, by order in writing, adopt, suspend or reject the measure, in whole or in part."

160. Secondly, as to the transferred side, it is enacted that the Governor may appoint Ministers, and that in relation to transferred subjects the Governor shall be guided by the advice of his Ministers, " unless he sees sufficient cause to dissent from

their opinion, in which case he may require action to be taken otherwise than in accordance with that advice" [section 52 (3)]. The normal arrangement now is that there are three Ministers in each of the Presidencies, the United Provinces, and the Punjab, and two in each of the other four provinces; but there is no statutory limit to the number of Ministers; and in some provinces the number has varied from time to time. Ministers may not be "officials," and they must be, or must within six months of appointment become, elected members of the legislative council. We have already pointed out that the security of tenure contemplated for Ministers in the Montagu-Chelmsford Report was not, in fact, provided in the Statute. In theory, they hold office during the Governor's pleasure, but the power of the legislative council to reduce or withhold their salaries, to censure their administration, and to refuse supply, make the continuance of the confidence of the council essential to their retention of office. Since there are more transferred subjects than Ministers, some grouping is necessary, and this may be varied by the Governor from time to time; in fact, the distribution of portfolios varies in different provinces. The titles given to ministerial office also vary from province to province. For example, in Madras the three Ministers are described as "Minister for Education and Local Self Government", "Minister for Development", and "Minister for Public Health"; in the Punjab the three are called "Minister for Local Self Government" (which includes Public Health), "Agriculture" (which includes Co-operation and Public Works), and "Education" (which includes Industries). Provision is made by rules for the temporary administration of a transferred subject when, in cases of emergency, owing to a vacancy there is no Minister in charge of the subject. This difficulty may be met by getting another Minister to add the subject to his charge, or, when this cannot be done, by the Governor himself taking temporary charge of the subject. If ministerial government cannot be carried on, a more drastic mode of treatment is held in reserve, and has had to be adopted on more than one occasion—the Governor-General in Council, with the previous sanction of the Secretary of State in Council, may revoke or suspend the transfer of all or any subjects in the province, and thereupon such subjects relapse for the time being into the position of reserved subjects administered by the Governor in Council.

Is there Joint Ministerial Responsibility?

161. We shall, in the next Part of our Report, discuss the actual working of the dyarchic system, the structure of which we have here endeavoured to describe, and one of the most important and difficult questions that will arise will be the extent to which the system has led to the adoption, as a constitutional principle, of the joint responsibility of Ministers. The intention of the authors of the Montagu-Chelmsford Report on the point is not, perhaps, very easy to ascertain. That

document, in describing the working of the proposed Executive, stated that "the actual decision on a transferred subject would be taken, after general discussion, by the Governor and his ministers," so that, after whatever meeting there may have been of the Government as a whole, "the decision would be left, as we have stated, to that part of the Government responsible for the particular subject involved."* It is evident, therefore, that it was not intended that one half of the Executive was to be held responsible for the decisions of the other, but what is not so clear is whether, within the ambit of the transferred half, it was intended that Ministers should act jointly and stand or fall together. When the Government of India Bill was introduced into the House of Commons and read a second time, it provided that the Governor of a province, in relation to a transferred subject, should be "guided by the advice of *the minister* in charge of the subject." The effect would have been that another Minister would have had no responsibility for what his colleague advised. But the Joint Select Committee took the view that the principle of collective responsibility of Ministers should be established from the start, and consequenty recommended that this should appear on the face of the Bill. The language of the clause [now section 52 (3)] was, therefore, altered so that it reads, "in relation to transferred subjects, the governor shall be guided by the advice of *his ministers*"—phraseology which, standing by itself, is still somewhat ambiguous, though having regard to the history of the matter there is no doubt of the object in view. It seems unfortunate that the terms of para. VI. of the Instrument of Instructions to Governors afford some support to a different interpretation :—

> "In considering a Minister's advice and deciding whether or not there is sufficient cause in any case to dissent from his opinion, you shall have due regard to his relations with the legislative council and to the wishes of the people of the presidency as expressed by their representatives therein."

Joint ministerial responsibility is, of course, with us a constitutional convention of old standing and we are so accustomed to it that we should think it strange for an individual Minister to be able to conduct his department without involving his colleagues in responsibility for the policy pursued. But joint responsibility is an extremely difficult thing to put into the text of an Act of Parliament, especially when it was, in any case, not intended that ministerial responsibility should extend over the whole field of administration. And we dwell upon the point now because it is very necessary to appreciate the complexities of the administrative structure which was called into being in the Governors' provinces nine years ago, before attempting the still more difficult task of expressing a judgment as to how it has worked.

* M/C Report, para. 221.

CHAPTER 6.—THE GOVERNOR.

162. It has been convenient, in giving an account of the provincial Executive, to begin by describing its division into two sides, with Executive Councillors administering reserved departments, while Ministers hold transferred portfolios; for this order of exposition best brings out the real importance of the Governor. He is not only the direct representative of the Crown, appointed by His Majesty by warrant under the Royal Sign Manual, and the head of the province in all matters of dignity and precedence; he is not only the chief patron of innumerable institutions and endeavours, and the dispenser of unending official and personal hospitality; he is also the actual and working head of the Executive, presiding over its full meetings, and providing by his influence, advice, and sometimes even direction, the cohesion between the two sides of government, which would otherwise be wholly lacking. While the Montagu-Chelmsford constitution has extended responsibility to others, it has not, we feel sure, lightened the burden which rests on the Governor's own shoulders.

Relations with Members and with Ministers.

163. In one sense, the Governor is an *ex officio* member of each of the two committees of government between which dyarchy distributes the work of administration, but strictly speaking, his relation to each is different. In the Executive Council he takes part in all deliberations, possesses a casting vote as president, and has authority to overrule the majority when he considers that the safety, tranquillity, or interests of the province essentially require a different decision. He thus shares to the full and in every detail his colleagues' responsibility to the British Parliament for the proper administration of the reserved departments. They and he act throughout under the superintendence, direction, and control which is vested in, and may be exercised by, the Governor-General in Council under section 45 of the Act. The Governor's relation to Ministers is somewhat different. In the language of the Act [section 45A (1) (d)] transferred subjects are transferred "to the administration of the governor acting with ministers"; in relation to such subjects he "shall be guided by the advice of his ministers, unless he sees sufficient cause to dissent from their opinion, in which case he may require action to be taken otherwise than in accordance with that advice" [section 52 (3)]. We have already quoted from the passage in the Montagu-Chelmsford Report which aimed at giving more precision, at any rate by way of illustration, to the inevitable vagueness of the phrase "sufficient cause." The passage from the Instrument of Instructions to Governors, which we have mentioned in para. 161, is also relevant. We will add a further extract, this time from the Report of the Joint Select Committee. "It will also be for him to help with

sympathy and courage the popular side of his government in their new responsibilities. He should never hesitate to point out to ministers what he thinks is the right course or to warn them if he thinks they are taking the wrong course. But if, after hearing all the arguments, ministers should decide not to adopt his advice, then in the opinion of the Committee, the Governor should ordinarily allow ministers to have their own way, fixing the responsibility upon them, even if it may subsequently be necessary for him to veto any particular piece of legislation. It is not possible but that in India, as in all other countries, mistakes will be made by ministers, acting with the approval of a majority of the legislative council, but there is no way of learning except through experience and by the realisation of responsibility."

Questions Affecting Both Sides.

164. All this must demand the exercise of great tact and discretion and a constant watchfulness, but a still graver task falls upon the Governor when the matter which arises for discussion and decision is one which impinges upon both sides of the Government. It is one of the inherent difficulties in the working of dyarchy, as we shall point out hereafter, that some of the most important questions of government cannot be compartmentalised. A purely departmental issue may often be decided inside the department itself. Even if it is of considerable gravity, consultation between the Minister and the Governor may dispose of it; but "cabinet questions" have to go before a meeting of the whole Cabinet, and in an Indian province such a meeting means the bringing together of two halves of Government, neither of which is responsible for the other, under the presidency of the Governor who is associated with both. It is material to observe that, under dyarchy as conceived by its authors, though there may be a joint discussion, there can be nothing which strictly corresponds to a "cabinet decision", i.e., there can be no decision for which the two halves of the Government are jointly responsible. In some provinces, and under some Governors, there has been a very near approach to cabinet decisions, but this was because of a departure from the strict theory of dyarchy. If the dyarchical distribution of functions is strictly observed, ultimately the Governor must decide exactly where the jurisdiction for decision lies, and the decision must be made and recorded accordingly. Another variant of this situation may often arise, when the question raised is not necessarily of cabinet importance but nevertheless intimately affects more than one department and these not all in the same half of Government. The hopes and anticipations of the Joint Select Committee on this subject were expressed as follows:—

"There will be many matters of administrative business, as in all countries, which can be disposed of departmentally. But there will remain a large category of business, of the character which would naturally be the subject of Cabinet consultation. In regard to this category the Committee conceive

that the habit should be carefully fostered of joint deliberation between the members of the executive council and the ministers, sitting under the chairmanship of the Governor. There cannot be too much mutual advice and consultation on such subjects; but the Committee attach the highest importance to the principle that, when once opinions have been freely exchanged and the last word has been said, there ought then to be no doubt whatever as to where the responsibility for the decision lies. Therefore, in the opinion of the Committee, after such consultation, and when it is clear that the decision lies within the jurisdiction of one or other half of the Government, that decision in respect of a reserved subject should be recorded separately by the executive council, and in respect of a transferred subject by the ministers, and all acts and proceedings of the government should state in definite terms on whom the responsibility for the decision rests. It will not always, however, be clear, otherwise than in a purely departmental and technical fashion, with whom the jurisdiction lies in the case of questions of common interest. In such cases it will be inevitable for the Governor to occupy the position of informal arbitrator between the two parts of his administration; and it will equally be his duty to see that a decision arrived at on one side of his government is followed by such consequential action on the other side as may be necessary to make the policy effective and homogeneous. The position of the Governor will thus be one of great responsibility and difficulty, and also of great opportunity and honour. He may have to hold the balance between divergent policies and different ideals, and to prevent discord and friction."

The Task of Governorship.

165. It is unnecessary to say more to establish the gravity of the Governor's task; but we would like here to point out that he combines in himself, under the present constitution, what we may call ordinary and extraordinary powers and duties. He is a part of the day-by-day administration, but he is also the authority in reserve, who may have to override normal processes when he is convinced that the ordinary administration of the province needs his special intervention. There is universal testimony, all over India, as to the skill and patience with which Governors have discharged their duty. A spirit of accommodation has generally been shown by both halves of Government under such presiding influence. It had been anticipated by the authors of the Montagu-Chelmsford Report that friction might arise, particularly in the annual financial adjustment which is necessary to apportion available funds between the respective sides. In Part V of this volume, under the head of " The System of Public Finance," we shall describe this process more in detail.* It is primarily based on agreement between the Executive Council and the Ministers, and, of course, the Governor exerts himself to secure this, but Devolution Rule 32 provides that, if no such agreement can be reached, the Governor has power, either at his own discretion or, if he prefers, with the assistance of an independent authority, to " allocate the revenues and balances of the province between reserved and transferred subjects, by specifying the fractional proportions of the revenues and balances which shall be assigned to each class of subject." It is noteworthy that in no single instance has there been a failure to reach agreement, so that no Governor in any province

* See para. 397 below.

has ever been called upon to discharge this particular duty. But this does not mean that the Governor has had nothing to do with bringing about the result: it is safe to infer that agreement between the two sides has not infrequently been helped by his presidency over their joint discussions.

166. There is no statutory provision defining the qualifications for a Governor or the period for which he shall hold office. The customary period is five years. The three Presidency Governorships are usually held by men whose experience has been in the field of British politics, while the other Governorships are held by officials belonging to the Indian Civil Service. An exception to this latter practice was provided by the appointment of the late Lord Sinha to be Governor of the newly formed province of Bihar and Orissa. He held the position from December, 1920, until he resigned it in November, 1921.

CHAPTER 7.—BACKWARD TRACTS.

167. The backward tracts of British India cover an area of 207,900 square miles, and contain a population of about 13 millions. In our chapter on the provinces of British India* we have given some account of these important hill and forest areas. They are to be found in six of the provinces; there are none in Bombay, the United Provinces, or the Central Provinces. These areas are declared backward tracts by notifications made under section 52A (2) of the Government of India Act, and are included in a slightly wider category of "excluded areas". In what sense backward tracts are "excluded" we must now proceed to explain. This chapter is necessarily somewhat technical, but it should be read in conjunction with the descriptions to which we have just referred, and will prepare the way for recommendations which we have to make in our second volume.

168. We have seen that the backward tracts before the Reforms were commonly subject to special laws, which among other things usually prescribed simple and elastic forms of judicial and administrative procedure. These arrangements were secured either by enactments applicable to individual tracts such as the Ganjam and Vizagapatam Act of 1839, or the Assam Frontier Tracts Regulation of 1880, or by notifications issued under All-India statutes. Thus, almost all the tracts were "scheduled districts" under India Act XIV of 1874. A notification made under sections 5 and 5A of that Act enables any enactment in force in any part of British India to be extended by executive order to a "scheduled district," with such restrictions and modifications as seem fit. Other territories also (including most of the minor administrations directly administered by the Government of India), have in the past been scheduled under this Act, but the present list of backward tracts in substance consists of such scheduled districts as it was in 1919 considered still necessary to exclude from the direct authority of the legislatures. A parallel source of affirmative legislation exists in the regulatory power reproduced in section 71 of the Government of India Act. This section, also, has been applied to most of the minor administrations, as well as to most of the backward tracts, and, in the case of the former, operates concurrently with the full legislative powers of the Central Legislature. A reference to section 52A (2) will show that, in the case of the backward tracts also, although these wide powers of legislation by simple executive order have been kept alive, it is contemplated that enactments of the central and provincial legislatures might be applied to them. But absolute discretion is vested in the Executive of deciding whether or not such

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* Part I, ch. 8, paras. 75, 80, 86, 88, 94 and 99.

extension shall take place. Thus, there exists a complete statutory bar to the legislative authority of the legislatures within every backward tract.

169. The authors of the Joint Report contented themselves with remarking that there were certain backward areas to which the Reforms could not apply, and that the typically backward tracts should be administered by the Governors.* Both the definition of these areas and their constitutional arrangements after the Reforms were left for further consideration. The proposals of the Government of India are embodied in their "Ninth Despatch on the Constitutional Reforms". The Government of India displayed in this Despatch an anxiety to limit exclusion as much as possible both in its local extent and in its degree. With this end in view, they estimated the degree of backwardness of each of the tracts and recommended varying degrees of exclusion to conform with their estimates. General effect was given to these proposals, the result of which we will proceed to state. The suggestion made in the Joint Report that the backward tracts should be directly administered by the Governor was not carried out, except in the special instance of the Shan States of Burma.

Wholly Excluded Areas.

170. Certain areas were considered so backward that they have been wholly excluded from the Reforms. These are the following:—

In Madras—The Laccadive Islands and Minicoy.
In Bengal—The Chittagong Hill Tracts.
In the Punjab—Spiti.
In Burma—All the backward tracts of the province.
In Bihar and Orissa—Angul.

This complete exclusion is secured by "notifications" made by the Governor-General in Council under section 52A (2) of the Act, prescribing principally that—

1. Neither the central nor the provincial legislature shall have power to make laws applicable to the tract, but the Governor in Council may direct that any Act of the provincial legislature shall apply to the tract, subject to such exceptions or modifications as the Governor thinks fit.

2. Proposals for expenditure in the tract need not be submitted to the vote of the Legislative Assembly or provincial legislature.

3. No question may be asked about the tract and no subject relating to it may be discussed in the Assembly or (except with the Governor's sanction) in the provincial legislature.

Modified Exclusion.

171. In the case of the remaining tracts, the reserved half of the provincial Government is given full discretion in applying,

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* M/C Report, para. 199.

or refusing to apply, new provincial enactments. This discretion is conferred by the Governor-General in Council, through "notifications" which provide that :—

1. The Governor in Council may direct that any Act of the provincial legislature shall not apply to the tract, or shall apply subject to such exceptions or modifications as the Governor may think fit.

2. The Legislative Assembly or the provincial legislature, when making laws solely applicable to the backward tract in question or any part of it, must insert a provision that the law shall come into force only on such date and subject to such exceptions or modifications as may be ordered by the Governor-General in Council or the Governor in Council as the case may be.

In addition, the Governor-General in Council is given, by section 52A (2) of the Act, the power (which has been exercised from time to time) of directing that any All-India statutes of general application should not apply, or should only apply subject to such exceptions or modifications as the Governor-General may think fit, to any of these tracts.

The tracts to which the provisions set out in this paragraph apply, are all the remaining backward tracts, that is to say :—

In Madras—The Agency Tracts.
In Bengal—Darjeeling.
In the Punjab—Lahaul.
In Bihar and Orissa—Chota Nagpur, the Santal Parganas, and Sambalpur.
In Assam—All the backward tracts of the province.

Varying Degrees of Modified Exclusion.

172. The different tracts falling within the category of modified exclusion are not, however, all treated in quite the same way. Darjeeling and Lahaul are totally excluded in every sense, except that the legislatures may frame laws for them which may be applied by executive order. The other tracts are areas over which the legislatures have further powers. They vote the necessary expenditure for them; questions may be asked about them: and subjects relating to them may be discussed. In the Assam tracts, Chota Nagpur, the Santal Parganas and Sambalpur, Ministers exercise authority over transferred subjects. In the other tracts all provincial subjects are reserved subjects. But it is material to note that the Instrument of Instructions to Governors confers a special discretion to protect backward classes. In Assam advantage has been taken of this discretion to frame rules of business which confine the powers of Ministers in dealing with the backward tracts within very narrow limits.

All the backward tracts which are not wholly excluded (except Darjeeling and Lahaul) are represented in the legislatures of their provinces, but it is impossible to regard the representation as really effective in most cases. In Bihar and Orissa the aboriginal preponderance in the population of the tracts is reproduced in the electorate only in three constituencies out of nine.

In two of these three, members really representative of the aboriginals have been returned at all three general elections. The other seven are represented at present by members of the very classes whom the aboriginals regard as most hostile to them. Two seats are also reserved for the representation of the aboriginals by nomination in the Bihar and Orissa Council. In Madras qualified residents of the Agency Tracts vote in the constituencies formed out of the three districts in which the tracts are included. The backward tracts of the Presidency are also represented by a nominated member. The whole of the Assam backward tracts (covering 50,000 square miles and occupied by half a million hill tribesmen) are represented in the provincial legislature by a single nominated member, who for a considerable period was a Welsh missionary.

CHAPTER 8.—THE CENTRAL LEGISLATURE.

173. The Indian Legislature consists of the Governor-General and two Chambers, viz., the Council of State and the Legislative Assembly. In each of these Chambers the majority of members is elected. It is a curious feature that whereas the Government of India Act fixes for the Council of State the maximum size (60 members), which it cannot exceed, it fixes for the Legislative Assembly a minimum membership (140), which it must at least contain.

We must now give some description of the composition and powers of these two bodies.

The Council of State.

174. The scheme for the Council of State contained in the Montagu-Chelmsford Report* differed materially from the plan ultimately adopted and embodied in the Government of India Act. The authors of the Joint Report intended the Council of State to be " the final legislative authority in matters which the Government regards as essential ", and therefore aimed at creating " a separate constitutional body, in which Government will be able to command a majority ". Mr. Montagu and Lord Chelmsford disclaimed the intention of instituting a complete bi-cameral system, and regarded the Council of State rather as a Chamber of Appeal from the refusal of the Lower House to pass necessary legislation. It would, therefore, have performed much the same function as the Grand Committees which they proposed for the provinces. If the Legislative Assembly passed such legislation, and the Council of State agreed with it, well and good; but if not, the Council of State could still be relied on to authorise what was needed. Thus, if the Executive Government found itself unable to secure from the Assembly its essential legislation and its supplies, the plan of the Joint Report was to provide " means, for use on special occasions, of placing on the Statute Book, after full publicity and discussion, permanent measures to which the majority of members in the Legislative Assembly may be unwilling to assent ".† The method they proposed was that, if the Legislative Assembly refused to authorise an indispensable measure, the Governor-General in Council might certify that the Bill was essential to the interests of peace, order, or good government, and thereupon, after it had passed through all its stages in the Council of State, the Bill would become law without further reference to the Assembly.

175. The Government of India Bill was introduced into Parliament with provisions for the Council of State which followed these lines. The Joint Select Committee, to which the Bill was referred, rejected the plan altogether. It reported that it did

* M C Report, para. 277/278.
† M C Report para. 276.

not "accept the device in the Bill as drafted, of carrying government measures through the Council of State without reference to the Legislative Assembly, in cases where the latter body cannot be got to assent to a law which the Governor-General considers essential. Under the scheme which the Committee propose to substitute for this procedure, there is no necessity to retain the Council of State as an organ for government legislation. It should therefore be reconstituted from the commencement as a true Second Chamber." The alternative scheme to which the Committee referred was the plan, now embodied in the Act, by which the Governor-General may certify that it is essential for the safety, tranquillity or interests of British India that a Bill which *either* Chamber of the Indian Legislature refuses to pass, should become law. The view of the Joint Committee was that, while the Governor-General in Council must in all circumstances be fully empowered to secure legislation required for the discharge of his responsibilities, "it is unworthy that such responsibility should be concealed through the action of a Council of State specially devised in its composition to secure the necessary powers." It followed that there was no longer any overwhelming reason why the Government should be able to command a majority in the Council of State, and the composition actually fixed for that body was as follows. Out of a maximum number of 60, 34 members were to be elected: the balance was to be nominated, but not more than 20 of these could be "official" members. These include such members of the Governor-General's Council as are nominated to be members of the Upper House (at present two out of the seven). But the Act contains the provision—also to be found in the constitution of the Union of South Africa—that an Executive Councillor has the right of attending and addressing, though not of voting in, the other Chamber also.

The electorate for the Council of State has been so framed as to give the Upper House a character distinct from that of the Legislative Assembly, and indeed the franchise is extremely restricted. Property qualifications have been pitched so high as to secure the representation of wealthy landowners and merchants; previous experience in a central or provincial legislature, service in the chair of a municipal council, membership of a university Senate, and similar tests of personal standing and experience in affairs qualify for a vòte. Electors are for the most part grouped in communal constituencies; thus there is one member of the Council of State who is elected by the Muhammadans of the Madras Presidency, and four who are elected by the non-Muhammadans of that province. The Sikhs of the Punjab have a member. There is one member elected by the general constituency of Burma, and another by the Burma Chamber of Commerce. Women are not entitled to vote at elections to the Council of State, or to offer themselves for election, though it is in the power of the Council of State to

pass a resolution which would remove both these barriers. The Council of State sits under a President appointed by the Governor-General, and continues for five years, unless proviously dissolved.

The Legislative Assembly.

176. The Legislative Assembly now consists of 145 members, 105 of whom are elected,* while 26 are official members and 14 are nominated non-officials. In this last group are included the sole representative of the Depressed Classes, the sole representative of the Indian Christians, and the sole representative of the Anglo-Indian community. Another nominated non-official comes from the North-West Frontier Province; another represents labour interests; and another the Associated Chambers of Commerce.

The 26 officials include most of the Members of the Governor-General's Council—the rest of the Council are members of the Council of State, though, as we have said, the South African precedent is followed and any Executive Councillor can speak in either Chamber. The other official members of the Legislative Assembly are either important members of the Government of India's Secretariat, such as the Military Secretary and the Foreign Secretary, or are nominated as representatives of the different provincial Governments. These constitute the "official bloc." The authors of the Joint Report attached importance to their proposal that "official members of the Assembly, other than members of the executive government, should be allowed a free right of speech and vote, except when the Government decides that their support is necessary."† When, in the next Part of our Report, we discuss the actual working of the existing constitution, it will be material to consider how far this anticipation has been realised in practice. They went on to lay down that "the President of the Legislative Assembly should be nominated by the Governor-General. We do not propose that his choice should be formally limited, but it seems necessary that, at any rate for the present, the President should be designated from among the official members."‡ This recommendation was departed from in the Government of India Act, which provided that for the first four years of the existence of the Legislative Assembly the President should be appointed by the Governor-General, but that thereafter he should be a member of the Assembly elected by that body and approved by the Governor-General. This, therefore, constitutes a contrast with the mode of appointment of the President of the Council of State.

* This includes the sole member for Berar—an area bigger than Switzerland—who is elected by Berar voters, but (owing to the fact that the Assigned Districts of Berar are not technically British territory) is then given a title to sit in the Assembly by the Governor-General's nomination. See para. 90 above.

† M/C Report, paragraph 275.

‡ *ibid.*

Elected Members of Legislative Assembly.

177. The elected members of the Legislative Assembly are distributed amongst the provinces in proportions which do not appear to bear any close resemblance to the distribution of population or area, but on a basis which presumably reflects consideration of the importance of each province. The franchise has been arranged on the same lines as for the provincial councils, but with somewhat higher electoral qualifications. Moslems have secured separate representation by the creation of constituencies containing none but Muhammadan voters in all provinces except Burma. Europeans also have separate representation, with one seat in Madras, two in Bombay, three in Bengal, and one each in the United Provinces, Assam and Burma. There is no separate European representative from the Punjab, Bihar and Orissa, or the Central Provinces. The Sikhs of the Punjab form two separate constituencies, each returning a member. 48 out of the 105 seats filled by election are " non-Muhammadan " general constituencies, whether rural or urban, i.e., the electorate excludes Muhammadans, though it includes every other sort of qualified voter except Europeans and Sikhs, where those have separate electorates. It will be appreciated that the system of communal electorates involves an overlapping of the areas of Muhammadan and non-Muhammadan constituencies, with the result that the average size of a general constituency for the Legislative Assembly cannot be reached by dividing the total area of the nine provinces by the number of members returned by such constituencies. Indeed, in those parts of India in which the members of a particular community are scattered, the area of the constituency assumes surprising proportions. The Muhammadan member for the northern part of the province of Madras sits for an area of 82,950 square miles, which is just about the size of Britain. The Muhammadan member for the Central Provinces represents a constituency of nearly equal extent. The Muhammadan member for " Patna, Chota Nagpur and Orissa " is supposed to speak for Moslems spread over an area of 51,950 square miles, which is about the extent of England and Wales. Hindu members are, in some cases, no better off; the Hindu member for West Punjab, for example, represents non-Muhammadans inhabiting 64,964 square miles; and a Sikh member represents Sikhs scattered over the same huge area.

It is worth noting that, while communal electorates exist for the Legislative Assembly to the extent we have indicated, there is no reservation of seats in " general " constituencies returning more than one member, such as maintains a minimum of Mahrattas in the Bombay Legislative Council, or secures the representation of non-Brahmins in Madras.

Apart from the general constituencies, Muhammadan and non-Muhammadan, and the European seats, there are certain

"special" constituencies for landowners and for Indian commerce. Thus, the Madras landholders elect to one seat; so do the Bengal landholders, the landholders of the United Provinces, of the Punjab, of Bihar and Orissa, and of the Central Provinces. The Sind Jagirdars and Zemindars hold another seat in rotation with the Gujerat and Deccan Sardars and Inamdars, so that alternate Assemblies contain a representative of landowners either from the northern or the more southern part of the Bombay Presidency. One member represents Madras Indian Commerce, and another the Indian Merchants' Chamber and Bureau, whose headquarters are in Bombay. Another seat alternates between the Bombay Millowners' Association and the Ahmedabad Millowners' Association; and yet another passes in rotation among three Indian commercial associations in Bengal, viz., the Bengal National Chamber of Commerce, the Marwari Association, and the Bengal Mahajan Sabha. Burma sends three non-European members to the Assembly, and these, with the European already mentioned, are the sole representatives (apart from the nominated official) of that vast and distant country. Delhi Province and Ajmer-Merwara both have one member.

The composition of the Council of State and Legislative Assembly is given in tabular form on the following pages.

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Council of State.

Province.	Nominated.*		Elected.					Total.
	Officials.	Non-officials.	Non-Muhammadan.	Muhammadan.	Sikh.	Non-communal.	European commerce.	
Government of India	11 (inc. President).	—	—	—	—	—	—	11
Madras	1	1	4	1	—	—	—	7
Bombay	1	1	3	2	—	—	1	8
Bengal	1	1	3	2	—	—	1	8
United Provinces	1	1	3	2	—	—	—	7
Punjab	1	3	1	2†	1	—	—	8
Bihar and Orissa	1	—	2†	1	—	—	—	4
Central Provinces and Berar ...	—	2‡	—	—	—	1	—	3
Assam	—	—	—	1	—	—	—	1
Burma	—	—	—	—	—	1	1	2
N.W. Frontier Province	—	1	—	—	—	—	—	1
Total...	17	10	16	11	1	2	3	60

* The distribution of the 27 nominated seats is not fixed, and may be varied at the discretion of the Governor-General; but the officials cannot exceed 20.

† At alternate general elections there are three non-Muhammadan seats for Bihar and Orissa, but only one Muhammadan for the Punjab.

‡ One of these is a member nominated as the result of an election held in Berar.

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LEGISLATIVE ASSEMBLY.

Province.	Nominated.		Elected.						Total.
	Officials.	Non-officials.	Non-Muhammadan.	Muhammadan.	Sikh.	European.	Land-holders.	Indian commerce.	
Government of India	14	5*	—	—	—	—	—	—	19
Madras	2	—	10	3	—	1	1	1	18
Bombay	2	1	7	4	—	2	1	2	19
Bengal	2	2	6	6	—	3	1	1	21
United Provinces ...	1	2	8	6	—	1	1	—	19
Punjab	1	2	3	6	2	—	1	—	15
Bihar and Orissa ...	1	1	8	3	—	—	1	—	14
Central Provinces and Berar.	1	1‡	3	1	—	—	1	—	7
Assam	1	—	2	1	—	1	—	—	5
Burma	1	—	3†	—	—	1	—	—	5
Delhi	—	—	1†	—	—	—	—	—	1
Ajmer Merwara ...	—	—	1†	—	—	—	—	—	1
N.W. Frontier Province.	—	1	—	—	—	—	—	—	1
Total ...	26	15	52	30	2	9	7	4	145

* The five nominated non-official members here designated are not nominated as provincial representatives, but as representing the following five special interests, namely, Associated Chambers of Commerce, Indian Christians, Labour interests, the Anglo-Indian community and the Depressed Classes. But the distribution of the nominated non-official seats is not fixed—it may be varied at the discretion of the Governor-General. The official membership of 26 is a fixed number, though its distribution between the Government of India and provincial representatives can be varied by the Governor-General.

† These five seats are filled from non-communal constituencies and the candidates need not be "non-Muhammadans."

‡ See first footnote on p. 164.

Legislative Powers.

178. The Indian Legislature has power to make laws for all persons, courts, places, and things within British India, for all subjects of His Majesty and servants of the Crown within other parts of India, and for all Indian subjects of His Majesty without and beyond, as well as within, British India; but this general legislative power is subject to certain qualifications which will be found set out in subsections (2) and (3) of section 65 of the Act. A more important limitation, for practical purposes, is that contained in section 67, which requires the previous sanction of the Governor-General for the introduction of any measure affecting—

(*a*) the public debt or public revenues of India or imposing any charge on the revenues of India;

(*b*) the religion or religious rites and usages of any class of British subjects in India;

(*c*) the discipline or maintenance of any part of His Majesty's Military, Naval or Air Forces;

(*d*) the relations of the Government with foreign princes or States;

or any measure—

(i) regulating any provincial subject, or any part of a provincial subject, which has not been declared by rules under this Act to be subject to legislation by the Indian Legislature;

(ii) repealing or amending any Act of a local legislature;

(iii) repealing or amending any Act or Ordinance made by the Governor-General.

This is the converse of the provision relating to provincial legislatures, which requires the previous sanction of the Governor-General for certain kinds of legislation which would more properly be considered at the Centre. In other words, there is really no formal distribution of legislative power in the Indian Constitution between the Centre and the provinces, although, for practical purposes, a real distribution of legislative power exists. This distribution follows the distinction between central and provincial subjects contained in the Schedule to the Devolution Rules.* But although topics of legislation are thus for practical purposes distributed, the Central Legislature is theoretically entitled to legislate for the whole field, at any rate if the Governor-General's sanction is given in a case where the topic more naturally falls within the provincial sphere. At the same time, the danger of technical objections being raised and litigation promoted on the plea that the wrong legislature has passed the Act is avoided, for, once the Act has been passed, its validity is not open to question in a law suit.

* See Appendix II, p. 126.

Financial Powers.

179. The financial powers of the Indian Legislature will be dealt with more fully in Part V of this volume, but it will be convenient to state here that expenditure on the following heads is authorised by the Governor-General in Council without being voted :—

(i) interest and sinking fund charges on loans ;

(ii) expenditure of which the amount is prescribed by or under any law ;

(iii) Salaries and pensions payable to or to the dependants of—

(a) persons appointed by or with the approval of His Majesty or by the Secretary of State in Council ;

(b) chief commissioners and judicial commissioners ;

(c) persons appointed before the 1st day of April, 1924, by the Governor-General in Council or by a local government to services or posts classified by rules under the Act as superior services or posts ; and

(iv) Sums payable to any person who is or has been in the civil service of the Crown in India under any order of the Secretary of State in Council, of the Governor-General in Council, or of a governor, made upon an appeal made to him in pursuance of rules made under the Act.

(v) expenditure classified by the order of the Governor-General in Council as—

(a) ecclesiastical;
(b) political ;
(c) defence.

Under the last head nearly the whole of the Army expenditure is "non-voted," but the charges for the civil secretariat of the Army Department are not included in the classification. Apart from this, it has become usual for the Governor-General to give directions which enable Army expenditure as a whole to be discussed by the Legislative Assembly, though no vote on it can be taken. The classification of certain expenditure as "political" results in excluding from the vote of the Legislative Assembly the expenses of the department which is concerned with the relations between the Crown and the Indian States.

As regards votable expenditure, the demands for grants are submitted to the Legislative Assembly alone, though the annual statement of estimated revenue and expenditure is presented simultaneously in both chambers, and in both the same discussion of main principles is permitted. The Finance Bill, which is the annual statutory authority for most of the central taxation, comes before both Houses, which have equal power in dealing with it. Only the Assembly, however, can grant or withhold supply. If the Legislative Assembly declines to vote a demand put before it, the Governor-General in Council is empowered to declare that he is satisfied that the demand which has been refused is essential to the discharge of his responsibilities; and thereupon the Government of India acts as though the demand had received the assent of the Legislative Assembly. The exercise of this power by the Governor-General in Council is usually called the "restoration" of a rejected demand for

a grant. As will be seen when, later on, we describe the working of the legislative machine, of whose structure we are now giving an account, it has been resorted to on numerous occasions.

Certification.

180. We have already referred, in paragraph 175, to the corresponding power of over-riding control over Bills, which rests with the Governor-General in the case of failure of either chamber of the Indian Legislature to pass essential legislation. The Governor-General may secure the enactment of a Bill whose passage in the form considered to be necessary is refused by the Indian Legislature, by certifying that the Bill is essential for the safety, tranquillity, or interests of British India, or any part thereof. If the Bill, in the form which the Governor-General considers essential, has been rejected by one chamber before being laid before the other, the latter is given the opportunity of consenting to it, though, if it does not do so, the signature of the Governor-General validates the Act. This power of certification has, in fact, been used four times since the Reforms were put into force. The first occasion was in 1922, when Lord Reading over-rode the Assembly by certifying the Princes Protection Act. The second and third occasions were in 1923 and 1924, when the annual Finance Bill had to be certified. The last occasion was in 1925, when a Bill became law by the Governor-General's certificate to supplement the Bengal Criminal Law Amendment Act of that year—a provincial Act which had been certified by the Governor of Bengal. On all four occasions the Council of State approved the Bill. It is not without significance that no occasion has arisen during the last five years when the Governor-General's power of certification has been invoked. When the Governor-General feels himself compelled to "certify," the Act has to be laid before both Houses of Parliament, and has no effect until it has subsequently received His Majesty's assent. But provision is made that where, in the opinion of the Governor-General, a state of emergency exists which justifies such action, the Governor-General may direct that the Act which he has certified shall come into operation forthwith. It thereupon does so, subject, however, to disallowance by His Majesty in Council.

Relations between the two Houses.

181. Two chambers so different in complexion are bound, on occasions, to differ in view, and the Government of India Act seeks to provide methods for avoiding or composing such differences. The three means devised by the Act, or by statutory rules under it, are Joint Committees, Joint Conferences, and Joint Sittings. The first is a means of forestalling differences and expediting the passage of a particular Bill. The adoption of this procedure requires a formal resolution in each chamber, and each nominates an equal number of members.

The second means is to be used when a difference of opinion has arisen. At a Joint Conference each chamber is represented by an equal number of members, but no decision is taken. The results of a Conference are to be looked for in the subsequent proceedings of either or both chambers. The case is different where the third means is adopted. Where the originating and the revising chambers have failed to reach agreement within six months of the passing of the Bill by the originating chamber, it rests with the Governor-General, in his discretion, to convene a Joint Sitting of both chambers, at which those present deliberate and vote upon the Bill in the shape given to it by the originating House, and on the outstanding amendments. The decision there taken is deemed to be the decision of both chambers. This method of composing differences is more suited to general legislation than to Finance Bills, for it may not be adopted till six months have elapsed since the passage of the Bill in the originating chamber. In practice, however, it has never been employed for either purpose.

CHAPTER 9.—THE CENTRAL GOVERNMENT.

182. The Central Government is the Governor-General in Council. There is no statutory limit to the number of members of the Governor-General's Council; there are, in fact, now seven such members, as follows:—

Army Member (the Commander-in-Chief).
Home Member.
Finance Member.
Law Member.
Commerce Member.
Member in charge of Education, Health and Lands.
Member in charge of Industries and Labour.

Composition of the Executive Council.

183. The Commander-in-Chief, besides controlling Army Headquarters, is in charge of a civil department called the Army Department, which performs functions roughly analogous to those of the civil secretariat of the Secretary of State for War in this country. Its Secretary is also nominated to be an official member of the Central Legislature. The Home Department deals with the All-India civil services, and with such subjects as police, and prisons, and judicial matters so far as these subjects are the concern of the Central Government. It initiates legislation in the sphere of both civil and criminal law and controls administration of such subjects, so far as the Central Government is concerned. In areas outside the nine provinces it exercises a direct jurisdiction; within these areas its departmental control is made effective through the Governor in Council. In short, it is also the department which has general charge of internal affairs and the oversight of internal politics. The Law Member is the head of the Legislative Department, and is responsible for the drafting of Government Bills. He advises the Government on many legal questions but does not, like a Law Officer in Britain, conduct any Government cases in court. In addition to the Commerce Department, the Commerce Member is in charge of the Railway Department which functions through an organisation known as the Railway Board. The Education, Health and Lands Department is also concerned with such subjects as local government, agriculture, forests, famine-relief, etc., so far as these things touch central administration and responsibility, and, in addition, deals with questions concerning the position of Indians in other parts of the Empire. The Department of Industries and Labour also concerns itself with the Post Office and the telegraphs, irrigation, factories, and civil aviation.

The Viceroy himself holds the portfolio of the Foreign and Political Department. There is a Secretary in charge of each of the two branches, who holds the rank of Secretary to Government and sits as a nominated official in one or other

House of the Central Legislature. The Foreign branch conducts external affairs and relations with frontier tribes; the Political branch has charge of relations with the Indian States; and its organisation has been already described in an earlier chapter.*

It will be seen, therefore, that, while there are seven Executive Councillors, there are nine central departments.

184. The Members of the Governor-General's Council are appointed by warrant under the Royal Sign Manual. The only provision in the Government of India Act as to their qualifications is that three of them must be persons who have been for at least ten years in the service of the Crown in India, and one must be of not less than ten years' standing as a barrister of England or Ireland, or as a member of the Faculty of Advocates in Scotland, or as a pleader of an Indian High Court. In practice, out of the six members other than the Commander-in-Chief, three are Indians. We have already stated that each of the Executive Councillors is a member of one or other chamber of the Indian Legislature, and has also the right of attending in, and addressing, the chamber to which he does not belong. But Executive Councillors are necessarily official members of the Legislature; if a non-official member, whether elected or nominated, were to become a Member of the Governor-General's Council, his seat in the chamber to which he belonged would become vacant and have to be refilled, while the Executive Councillor rejoined the Legislature in another capacity.

Constitutional Position of Government of India.

185. It will be appreciated, of course, that the Government of India, in its relation to the legislature to which its Members belong, differs altogether from the Governments of the provinces. No division of functions has been imposed on the Government of India, and none of its Members are constitutionally "responsible" to the Central Legislature. No vote of that Legislature can bring about a change in its composition, though we shall take occasion later on to point out how considerable an influence the Legislature is able to exercise on its policy.

The design of the constitution of the Government of India is indicated in the third formula of the Montagu-Chelmsford Report.† That formula laid down that it "must remain wholly responsible to Parliament." In all essential matters its own authority, save for its accountability to Parliament, remains indisputable. The superintendence, direction, and control of the civil and military government of India are vested in the Governor-General in Council, but he is required to pay due obedience to all such orders as he may receive from the Secretary of State. In constitutional theory, therefore, the Government of India is a subordinate official government under His Majesty's Government, though in actual practice this relation of agency is

* Part I. chap. 9, para. 109.

† M/C Report, para. 190. See above, para. 139.

qualified by the extent to which (1) authority is left in the hands of the Government of India to be exercised without reference to, or orders from, the Secretary of State, and (2) influence is exerted by the Indian Legislature upon the acts and policies of the Central Executive.

Functions of Government of India.

186. We have already described the division of administrative functions between central subjects and provincial subjects, and the list of central subjects will be found set out in Appendix II at the end of Chapter 3 above.* It is these central subjects which the Government of India has to administer. In addition, it has two other main duties on the executive side. First, there is entrusted to it the power of superintendence, direction, and control over provincial Governments in respect of all " reserved " provincial subjects—Devolution Rule 49 limits its corresponding supervision over " transferred " subjects to cases in which interference is required (1) to safeguard the administration of central subjects, (2) to decide disputed questions between two provinces, or (3) to safeguard the civil services in India, and one or two other special matters.

187. Secondly, it is the Government of India which is responsible for the administration of all subjects in areas of British India not included within the boundaries of the nine Governors' provinces. These areas† are the North-West Frontier Province, British Baluchistan, Delhi, Ajmer-Merwara, Coorg, and the Andaman and Nicobar Islands. In each of these there is a Chief Commissioner. We shall give some account of these special areas in Part IV, Chapter 5 of this volume, and it is sufficient here to emphasize that their whole administration and finance are a central charge, including matters, like education and public health, which, in a Governor's province, would be in ministerial hands. For example, the department of the Executive Councillor whose accumulation of duties leads to his being described as the " Member in charge of Education, Health, and Lands," is responsible for schools and hospitals in the North-West Frontier Province and the other special areas just mentioned. Coorg stands rather apart, for in Coorg a Legislative Council has been set up, provincial subjects have been separated from central subjects, and separate revenues have been allocated to the local Administration; but there has been no explicit devolution of authority to its Chief Commissioner. In the other centrally administered areas there are no legislative councils. The local Executives are merely agencies of the Government of India; the annual estimates of revenue and expenditure are part of the central budget; there is no limit to the power of control vested in the Governor-General in Council; and no rival to the legislative authority of the Indian Legislature.

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* p. 126.

† Coloured pink on the map at the end of this volume.

Meetings of Governor-General's Council.

188. At meetings of the Governor-General's Council, if the Governor-General himself is present, he presides. In his absence, his place is taken by the Member of his Executive Council whom he has appointed to be its vice-President. At any meeting of his Council the Governor-General, or other person presiding, and one other Member (not being the Commander-in-Chief) form a *quorum* sufficient for the exercise of all the functions of the Government of India. All orders of the Governor-General in Council are signed by a Secretary to the Government of India. If a difference of opinion arises at a meeting of the Governor-General's Council, the decision of the majority is binding, and, if the Members are equally divided, the Governor-General, or other person presiding, has a second or casting vote. But if what is proposed conflicts with the view of the Governor-General as to what is essential for the safety, tranquillity, or interests of British India, he may, on his own authority and responsibility, over-rule the decision, in which case any two Members of the dissentient majority may ask that the matter be reported to the Secretary of State and that the report may be accompanied by copies of any minutes made by Members of the Council.

In practice, the Governor-General's Council meets at short intervals, and all the most important decisions of the Government of India are made by it. There are naturally many other matters which are decided and disposed of in the different departments, which have behind them the authority of the whole Government. One of the Members of Government, who sits in the Legislative Assembly, acts as leader of the House; this duty usually falls to the lot of the Home Member.

CHAPTER 10.—THE VICEROY AND GOVERNOR-GENERAL.

189. In previous chapters some reference has of necessity been made to the special powers, functions and duties of the Governor-General, or Viceroy as he is alternatively called. It is convenient however to reassemble them here and to give a brief sketch of the working of the high office which is filled by the representative of the King-Emperor.

Appointed from among the most prominent public men in Great Britain, and usually discharging his task for a period of five years, the Governor-General occupies the most responsible, as it is the most picturesque and distinguished, office in the over-seas service of the British Crown.* For, while his activities comprise all the social and benevolent obligations of the Governor-General in the self-governing Dominions, there rests upon the Governor-General of India a direct personal share in the main burden of government, such as pertains to no other representative of the Sovereign within the Empire. Formerly, the Governor-General could not leave India during his term of office. By an amendment of the Statute, made in 1924, he may now be granted leave of absence once, but not more than once, and (unless special reasons require it) for not more than four months.

Powers and Responsibilities.

190. Normally carrying out his functions with the guidance and concurrence of the Members of his Executive Council, and subject to the very critical observation of a popularly-elected Legislature representing about 250 millions of people, he can, in cases of emergency and stress, completely over-ride that Council and disregard the most fully considered expression of opinion of that Legislature.

Thus, if in any matter his judgment is that the safety, tranquillity and interests of British India, or any part thereof, are essentially affected, he may reject the advice of his Council, and thereupon the decision of the Government of India, whether for action or inaction, is the decision of the Viceroy himself. The rules for the transaction of Council business, the allocation of portfolios among its Members, and the limitation of their scope, are entirely subject to his final decision. Similarly, in the case of the Indian Legislature, the Governor-General can dissolve either chamber or, if in special circumstances he thinks fit, can extend its life. He can insist on the passing of legislation rejected by either or both chambers by certifying that such passage is "essential for the safety, tranquillity or interests of British India or any part thereof." And while he may, with the

* "I am offered a magnificent post, the most responsible and honourable in the service outside England." Lord Lansdowne to his mother, Feb. 8, 1888. (Biography by Lord Newton, p. 50.)

assent of his Council, restore grants refused by the Assembly, he can on his sole initiative authorise such expenditure as he thinks to be necessary for the safety or tranquillity of British India or any part thereof. He may withhold his assent to any Bill, central or provincial, or reserve such Bill for His Majesty's pleasure. He has, in addition, powers in an emergency, without consulting the Legislature, to legislate by ordinance having effect for not more than six months.

The previous sanction of the Governor-General is required for the introduction of certain classes of Bills, both in the central and provincial legislatures. It is for him to decide what items of central expenditure fall within the non-votable categories. On him, too, falls the duty of nominating a number of official and non-official members to the Central Legislature.

191. These are the principal legal powers residing in the Governor-General, but no mere list of powers can convey the full importance of his office or the range of his individual authority. The course of Indian politics is profoundly affected by his personality and influence. By the use of interviews and conversations and by his constant personal intervention many a political crisis is averted; and resort to his legal prerogatives is often thereby made unnecessary. Only four times since the Reforms has the Viceroy's power of certification been made use of, and never yet has the premature dissolution of the Indian Legislature been required. Very few days pass without visits by leading men in public life to the Governor-General, and every grave political event comes under his notice and study. He takes occasional opportunities of laying his views before the Central Legislature by direct address. Furthermore, he is in constant communication with the Governors of provinces, and no new policy of any importance is ever embarked upon by them without their consultation with, and the general concurrence of, the Governor-General.

Viceroy's Relations with Indian Princes.

192. To the wide range of political responsibilities resting on the Governor-General's shoulders in connection with the governing of British India is added the direct personal charge of the relations of India with foreign countries, and of British India with the various Indian States. It is a proof of the confidence felt in the Governor-General's office that the Indian Princes should so strongly desire (as stated before the Butler Committee) to be placed in direct relationship with the Governor-General himself rather than, as hitherto, with the Governor-General in Council. Even now, all decisions of importance in connection with the Indian States, though issued in the name of the Government of India, are really a special concern of the Viceroy. And though under normal conditions there is no interference by the Government of India in the internal affairs of the Indian States, yet in

cases of grave misgovernment or internal political trouble, when need for interference by the Suzerain Power occasionally arises, it is upon the Governor-General himself that the actual responsibility rests for initiating and carrying through such action as may be required. The Viceroy is the link between British India and the Indian Princes; in this connection ceremonial visits and personal interviews take up much of his time; and at the annual session of the Chamber of Princes it falls to him to preside.

His Responsibility to the Secretary of State.

193. The Governor-General is at all times in intimate relation and consultation with the Secretary of State for India, keeping him fully informed of Indian events through regular correspondence both by letter and cable. And apart from this personal correspondence and the relationship which it marks, section 33 of the Government of India Act requires the Governor-General in Council to pay due obedience to all such orders as he may receive from the Secretary of State, and thus, by the exercise of the powers of control over Indian finance, legislation and administration inherent in the Secretary of State, the supervision of the British Parliament over Indian affairs is secured. We need not deal further with this matter here, as it forms the subject of the following chapter.

CHAPTER 11.—THE INDIA OFFICE.

194. In Chapter 5 of this Part of our Report we have described the powers and responsibilities, in relation to the government of India, which were transferred to Indian legislatures by the Government of India Act of 1919 and the rules made under it. Outside the field of administration so transferred the responsibility of Parliament for the good government of India remains unimpaired.

The Secretary of State for India.

195. The office of Secretary of State for India and the Council of India were created by the Act of 1858, when there passed to them the authority formerly exercised by the Board of Control under Pitt's Act of 1784, as well as the functions of the Court of Directors of the East India Company. The Secretary of State for India, a member of the Cabinet, is the immediate agent of Parliament for the discharge of its responsibilities in Indian affairs, and the Government of India Act prescribes his powers and so defines the region within which he may be held to account by Parliament. The Secretary of State is authorised by the Act to superintend, direct and control all acts, operations and concerns which relate to the government or the revenues of India; and the Governor-General, and through him the provincial Governments, are required to pay due obedience to the orders of the Secretary of State. The chain of constitutional responsibility is, however, complicated by the existence of the Council of India, which is associated with the Secretary of State in his duties and which has independent powers in certain important matters.

The Council of India.

196. The Council consists of from 8 to 12 members; they are appointed by the Secretary of State for a term of five years, and half of them must be persons who have long and recent experience of India. A member of the Council can only be removed from his office by His Majesty on an address of both Houses of Parliament. Short of this drastic step, the Council is, therefore, free, in theory, to exercise its separate powers, which will be described below, independently not only of the Secretary of State but of Parliament.

The special powers of the Council are conferred by various sections of the Government of India Act, which require the concurrence of a majority of the votes at a meeting of the Council for the decision of certain classes of questions. The most important of these are (*a*) grants or appropriations of any part of the revenues of India—in effect, the expenditure of Indian revenues, (*b*) the making of contracts for the purposes of the Act, and (*c*) the making of rules regulating matters connected with the civil services and, in particular, regulating the general conditions

under which the more important officials serve. The last provision secures that the consent of a majority of the Council of India is necessary to any change in the position or conditions of employment of members of the principal services. Outside the field covered by these special provisions the Secretary of State has power to direct the manner in which the business of the Secretary of State in Council or the Council of India shall be transacted, and any order made or act done in accordance with such direction is treated as being an order of the Secretary of State in Council. The effect of this provision is that (except on matters for which a majority of the votes of the Council is required by the Act) the Secretary of State is free to lay before it or to withhold from it at his discretion any matter arising for decision.

Superintendence, Direction and Control.

197. The generality of the Secretary of State's powers of superintendence, direction and control and of the Council's control over the expenditure of the revenues of India is, of course, restricted by the devolution of authority made under the Act of 1919. It will be remembered (see paragraph 186 above) that the supervision of the Governor-General in Council over transferred subjects was restricted by rule for certain specified purposes. A corresponding rule made under section 19A of the Act prescribes that the powers of superintendence, direction and control vested in the Secretary of State and the Secretary of State in Council under the Act shall, in relation to transferred subjects, be exercised for certain purposes only, viz. :—to safeguard central subjects; to decide questions arising between two provinces which have failed to agree; to safeguard Imperial interests; to determine the position of the Government of India in respect of questions arising between India and other parts of the Empire; and to safeguard the exercise of powers and duties imposed upon the Secretary of State or the Secretary of State in Council by certain sections of the Act. The effect is, broadly, that the Secretary of State and Parliament are not concerned with the administration of transferred subjects.

Limitation on Council's Financial Control.

198. The change in the Council's financial control is less simple, and it is necessary to set out in some detail the extent to which the generality of its financial powers has been qualified. As a preliminary, it should be made clear that the Council never has had any power of initiating action or expenditure; it can only consider proposals put before it by the Secretary of State. Further, its decisions in matters of expenditure are subject to a statutory provision that " the revenues of India shall . . . . be applied for the purposes of the government of India alone "; and section 22 secures that, except for preventing or repelling actual invasion of His Majesty's Indian possessions, Indian revenues cannot be expended on military operations carried on

beyond the external frontiers of India without the consent of both Houses of Parliament.

199. The rule made under section 19A, which has been referred to above, withdrew from the control of the Council of India practically the whole of expenditure on transferred subjects in the provinces. In the reserved field (subject to a broad delegation of control to provincial Governments which will be dealt with in Part III)* the consent of the Council to expenditure is still required. But its consent does not authorise *votable* expenditure; it is in effect no more than an authority to the provincial Government to seek the approval of its legislative council, with which, subject to certification, the last word rests. Over *non-votable* expenditure the control of the Council remains constitutionally unrestricted, though, as has been said, it is subject in practice to wide delegation to authorities in India.

The Council's control over expenditure by the Central Government is similar to its powers in relation to the reserved subjects in the provinces. A great part of the expenditure of the Central Government is non-votable—consisting as it does largely of defence and debt charges. There is, therefore, in this important region no question of a division of control between the Council and the Assembly; the former is still the constitutional authority for expenditure.

Composition of the Present Council.

200. At present there are ten members of the Council of India. Of these, six are retired members of the Indian Civil Service, one is the Chairman of one of the great British banks, one was a member of the British commercial community of Calcutta, which he represented for some time in the Assembly, and two are Indian gentlemen who have taken a prominent part in Indian politics. Of the six Civil Service members, one was Home Member of the Government of India, one has been Governor of a province, three have held high office in the financial, political and foreign departments of the service, and one has been a Judge of a Provincial High Court. The last is an Indian. Ordinarily, the Council also contains a General Officer of the Indian Army who has held high command in India.

In actual working, the Council is divided up into committees corresponding to the broad divisions of the subjects coming up for decision. Doubtful questions are discussed very fully at meetings of these committees and often in preliminary written notes. The full Council meets normally once a week. All the members have an opportunity before the meeting of the Council of seeing the papers relevant to questions coming up for decision, and the action proposed to be taken. If there is a difference of opinion, the question is debated in the Council. If, as is general, the matter has been fully discussed in one or more committees, the approval of the Council is usually registered without debate.

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* See below, para. 266.

APPENDIX V.

Note on the History of Separate Muhammadan Representation.

1. If the present situation is to be understood, it is essential to have some knowledge of the events which have led up to it. We, therefore, propose to give in this Appendix a short account of the history of communal representation, so far as the Muhammadan community is concerned, up to the time of the passing of the Government of India Act, 1919.

2. The Indian Councils Act of 1892, and the regulations made under it, provided that the Government should nominate to the councils persons selected by important public bodies, such as municipalities, district boards, universities and associations of merchants, etc. The object was that "each important class shall have the opportunity of making its views known in council by the mouth of some member specially acquainted with them."* Directions were given that representation should be provided for certain classes and interests, among which the Muhammadans were named; but the regulations did not confer the right of selection upon any community, and it was left to the Governor or Lieutenant-Governor, after the various bodies mentioned above had made their choice, to fill the nominated seats not held by officials in such a manner as would, in his opinion, secure a fair representation of the claims of the different communities.

3. It was not until the Morley-Minto reforms, which were first discussed in 1906 and were embodied in the Indian Councils Act of 1909, that the principle of separate representation for Muhammadans was first adopted. In 1906 a Committee of the Viceroy's Executive Council had been formed to consider the necessity for further reforms, and a Muhammadan deputation, led by H.H. the Aga Khan, waited on the Viceroy (Lord Minto) to put forward the views of the Muhammadan community. The deputation made a strong claim for communal representation, in the event of the principle of election being accepted. It based this claim on certain grounds which are summarised here as they became the starting point for all subsequent demands on the part of the Muhammadans.

(1) In the whole of India the Muhammadans amounted to between a fifth and a quarter of the population—at that time 62 millions out of 294 millions.

(2) The percentage of Muhammadans to Hindus was really larger than was usually admitted, owing to the classification of the depressed classes and animists as Hindus.

(3) The importance of the Muhammadan population was shown by the fact that its number was greater than the population of any first class European State except Russia.

* Government of India Despatch of 26th October, 1892 quoted in the M/C Report, para. 227.

(4) The political importance of the community and its contribution to Imperial defence entitled it to a larger representation than that based on numbers alone.

(5) Previous representation had been inadequate and the persons nominated not always acceptable to the community.

(6) With joint electoral bodies only Muhammadans sympathetic to the Hindus would ever be elected.

They demanded therefore :—

(i) Communal representation in accordance with their numerical strength, social position and local influence, on district and municipal boards.

(ii) An assurance of Muhammadan representation on the governing bodies of universities.

(iii) Communal representation on provincial councils, election being by special electoral colleges composed of Muhammadan landlords, lawyers, merchants, and representatives of other important interests, university graduates of a certain standing and members of district and municipal boards.

(iv) The number of Muhammadan representatives in the Imperial Legislative Council should not depend on their numerical strength, and Muhammadans should never be in an ineffective minority. They should be elected as far as possible (as opposed to being nominated), election being by special Muhammadan colleges composed of landowners, lawyers, merchants, members of provincial councils, fellows of universities, etc.

Lord Minto's reply is recognised as the first official acknowledgment of the Muhammadan claim for separate representation and is still looked upon by Muhammadans as a definite pledge. The most important passage in this reply was as follows :—

> "The pith of your address, as I understand it, is a claim that under any system of representation, whether it affects a municipality or a district board or a legislative council, in which it is proposed to introduce or increase an electoral organisation, the Muhammadan community should be represented as a community. You point out that in many cases electoral bodies as now constituted cannot be expected to return a Muhammadan candidate, and that if by chance they did so, it could only be at the sacrifice of such a candidate's views to those of a majority opposed to his community whom he would in no way represent; and you justly claim that your position should be estimated not only on your numerical strength, but in respect to the political importance of your community and the service it has rendered to the Empire. I am entirely in accord with you. Please do not misunderstand me. I make no attempt to indicate by what means the representation of communities can be obtained, but I am as firmly convinced as I believe you to be that any electoral representation in India would be doomed to mischievous failure which aimed at granting a personal enfranchisement regardless of the beliefs and traditions of the communities composing the population of this continent."

4. The Committee of the Viceroy's Executive Council which, as already stated, was considering the question decided that Muhammadans hitherto had not been sufficiently represented,

either in quantity or quality, in the provincial councils, and proposed, in addition to seats which might be secured by Muhammadans in the course of competition with others as selected representatives of local bodies, the reservation of seats to be filled by representatives elected by separate Muhammadan electorates. The Committee suggested as electoral qualifications the payment of land revenue or income tax or the possession of a university degree. In the Imperial Legislative Council of 46 seats, the Committee proposed to allot four seats specially to Muhammadans, of which two were to be filled by nomination by the Viceroy and two by election from the provinces. The electorate was to be composed of the Muhammadan non-official provincial councillors, Muhammadan fellows of universities and Muhammadans paying income tax or land revenue above a certain figure.

These proposals were accepted by the Government of India. Before a final decision, however, was taken, the provincial Governments were asked for their views and instructed to consult with important local bodies and representative individuals of various classes.

The provincial Governments reported favourably on the general scheme, though some of them were doubtful as to the advisability of organising separate Muhammadan electorates. The Government of India, therefore, suggested that, while such electorates should be organised where possible, in other cases representatives might be chosen by the local Muhammadan Association, and where neither of these courses was possible, recourse should be had to nomination.

5. The Secretary of State (Lord Morley), in a Despatch of 27th November, 1908, accepted the principle of securing adequate Muhammadan representation, but expressed doubts as to the suggestion for separate Muhammadan electorates, partly because of difficulties of organisation in provinces where the community was thinly scattered, and partly because the proposal would give Muhammadans a double vote, one in the selection of representatives from local bodies, etc., and another in a communal constituency.

He proposed, therefore, for the consideration of the Government of India, a system of reservation of seats to be operated as follows. In each electoral area, an electoral college was to be established, the members of which were themselves to be elected in communal proportions (that is to say, a fixed number of Hindus and Muhammadans corresponding to the numerical strength of these communities in the area concerned) by a joint electorate composed of substantial landowners paying a certain amount of land revenue, members of rural or sub-divisional boards, members of district boards and members of municipal corporations. These electoral colleges would, in their turn, elect their representatives to the provincial councils, the members being free to vote for any candidate, but the seats having been

previously allotted on a communal basis. Serious objection, however, was taken to this proposal by the Muhammadan community, and on 27th January, 1909, a deputation of the All-India Muslim League, headed by the late Mr. Ameer Ali (afterwards the Right Hon. Sir Ameer Ali), interviewed the Secretary of State to protest against it. The members of the deputation insisted that joint electorates would not select Muhammadans who would satisfactorily represent their community, and also protested against Moslem representation being fixed on a population basis, urging that this did not give due weight to the political and military importance of their community. Their aim may be given in Mr. Ameer Ali's own words: "We therefore submit, as a standard of adequate representation, that the number of Muhammadan members on the several councils should be so fixed that, if the Muhammadans were to join a certain number of what may be called 'non-partisan' members, or to receive their support on any particular question, the issue may be decided accordingly." As a result of this opposition the proposal was subsequently dropped.

6. Accordingly, the Act of 1909, and the regulations made thereunder, embodied in substance the Government of India's scheme (which was supported by Mr. Gokhale) of giving Muhammadans separate electorates, while retaining their right to vote also in the general electorates. This applied to all provinces possessing a legislative council,* except the Punjab (where special protection was not considered necessary) and except Burma, whose council at that time was almost entirely nominated. The non-communal general electorates were composed of certain big landholders, members of grouped municipalities and district boards, universities and Chambers of Commerce, so that election was almost entirely indirect. On the other hand, the separate Muhammadan electorates operated by way of direct election† in territorial constituencies, with a franchise based in the main on certain property qualifications. This contrast—especially that of the double vote—aroused considerable resentment in India. The separate representation obtained by Muhammadans in the Imperial Council was five seats, one for each of the three Presidencies, one for the United Provinces and one for Bihar and Orissa. In the provincial councils, Madras and Assam were to have two Muhammadan members, Bombay, Bihar and Orissa, and the United Provinces four each, and Bengal five—a slight increase on the figures proposed by the Government of India.

7. In considering the Morley-Minto reforms as they affect the question of communal representation, three points must be borne in mind. Firstly, the scheme was merely a further application

* No legislative council was constituted in the Central Provinces until 1914.

† In Bengal the election of Muhammadans was, at first, indirect by a body of delegates selected by the general Muhammadan electorate, but this was afterwards abandoned in favour of direct election as in other provinces.

of the principle of representation by classes and interests, the previous arrangements not having been satisfactory. Secondly, the political importance of the community carried greater weight than its numerical strength in fixing the extent of the representation to be granted. And, thirdly, the reconstruction of the councils was not intended as a step in the direction of the establishment of parliamentary government in India. In Lord Morley's famous phrase: " If it could be said that this chapter of reforms led directly or indirectly to the establishment of a parliamentary system in India, I for one would have nothing to do with it."

8. Political thought in India, however, did not remain stationary at this point, but, under the influence of ideas evoked by the war, advanced towards a desire for greater unity. Under this impetus 19 members of the Imperial Legislative Council presented in October, 1916, to the new Viceroy (Lord Chelmsford) a memorandum on post-war reforms, in the course of which an adjustment of representation between Hindus and Moslems was proposed. These 19 members included representatives of both Hindu and Muhammadan opinion and their memorandum was accepted with some modifications alike by the Indian Congress and by the All-India Muslim League, both of which held their annual conference in Lucknow in December of that year. The scheme as a whole became known as the "Congress League Scheme," and the agreement it embodied between the two communities was called the " Lucknow Pact."

Eighteen months later, the Montagu-Chelmsford Report subjected the Congress League Scheme to a close and critical examination,* and gave reasons why it offered no solution of the general constitutional problem. But the part of the scheme which dealt with Moslem representation had a significance of its own and exercised a considerable influence on the views expressed on this point in the Joint Report.† It is this part of the scheme which is now commonly referred to as the Lucknow Pact. It provided for direct election to the provincial councils, as far as possible on a territorial basis, and for separate electorates for Muhammadans who would, however, cease to vote in general electorates as well. It laid down definitely the proportion of Muhammadan seats in all provincial councils except Assam, but including the Punjab and the Central Provinces, where separate representation had not previously existed. The number in each council was decided on an All-India basis; that is to say, in provinces, such as Bengal and the Punjab, where the Muhammadans formed a majority of the population, they were to receive slightly less than their proportion of population might justify, while in other provinces, where Muhammadans were in a

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* M/C Report, paras. 159–177.
† M/C Report, para. 231.

minority, they were to receive a disproportionately large number of seats, sufficient to give them a more effective position in the council. The exact figures were :—

	Percentage of elected Indian members.
Punjab	50
United Provinces	30
Bengal	40
Bihar and Orissa	25
Central Provinces	15
Madras	15
Bombay	33⅓

It is useful to compare with this table the percentage, on the basis of the census of 1911, which Muhammadans bore to the total provincial population. These percentages are as follows :—

	Per cent.
Punjab	54.8
United Provinces	14.0
Bengal	52.7
Bihar and Orissa	10.6
Central Provinces	4.1
Madras	6.6
Bombay	20.4

The Pact also proposed that " no Bill, nor any clause thereof, nor a resolution introduced by a non-official affecting one or the other community (which question is to be determined by the members of that community in the Legislative Council concerned) shall be proceeded with, if three fourths of the members of that community in the particular Council, Imperial or Provincial, oppose the Bill or any clause thereof or the resolution."*

With regard to the Imperial Legislative Council, the Pact provided that one-third of the Indian elected members should be Muhammadans, elected by separate Muhammadan electorates in the several provinces, in the proportion, as nearly as might be, in which they were represented on the provincial legislative councils by separate Muhammadan electorates.

9. We have set out these details of the proposals of the Lucknow Pact with regard to communal representation because, although they have no binding force, they formed the basis of the representation assured to the Muhammadan community under the present constitution.

In Chapter 4 of Part II† we discuss fully the attitude adopted by the authors of the Montagu-Chelmsford Report. to the question of separate electorates. They made no comment on the allocation of seats recommended in the Lucknow Pact. The Franchise Committee, reporting two years after the

* See the comment on this suggestion in para. 164 of the M/C Report.
† p. 137.

Lucknow Pact, stated that " both Hindus and Muhammadans are in substantial agreement that the latter should everywhere enjoy communal electorates and we have no hesitation in recommending that effect should be given to this common desire." † The Committee equally thought it wise to abide by the allocation of seats proposed in the Lucknow Pact. Its recommendations, in which the Government of India had in the main concurred—though not without doubt—were accepted by the Joint Select Committee and Parliament.

10. The following table illustrates the present position and compares it with that put forward in the Lucknow Pact :—

Legislative Body.	Percentage of Moslems to total population of the electoral area (1921 Census). 1.	Percentage of Moslem voters to total voters in general constituencies (1926). 2.	Present percentage of Moslem members to total No. of members. 3.*	Present percentage of Moslem elected members to total No. of elected Indian members. 4.*	Present percentage of Moslem members to total members in seats filled by election from Indian general (communal) constituencies. 5.	Lucknow Pact percentage. 6.
Punjab	55·2	43·7	40	48·5	50	50
United Provinces	14·3	14·1	25	30	32·5	30
Bengal	54·6	45·1	30	40·5	46	40
Bihar and Orissa	10·9	10·9	18·5	25	27	25
Central Provinces	4·4	8·4	9·5	13	14·5	15
Madras	6·7	4·7	10·5	14	16·5	15
Bombay	19·8	17·7	25·5	35	37	33·3
Assam	32·3	30·1	30	35·5	37·5	No provision.
Legislative Assembly	24·0	16·5	26	34	38	33·3

* Column 4 includes Indians elected by special constituencies, e.g. Commerce, whose communal proportions may of course vary slightly from time to time. Similarly, Column 3, including also officials and nominated non-officials, will show slightly different results at different periods

† Franchise Committee's Report, para. 15.

PART III.—THE WORKING OF THE REFORMED CONSTITUTION.

CHAPTER 1.—PROVINCIAL ELECTORATE—THE VOTER AND THE MEMBER.

Reasons for Limited Electorate.

201. The scope of this Part of our Report is the practical working of the reformed constitution. We will begin by examining the working of the electoral system in the provinces and the relations of voter and member.

In Chapter 4 of Part II (paragraph 147) we have referred to the intention expressed in the Montagu-Chelmsford Report that the franchise for the provincial legislatures should be as broad as possible, and that any limitations should be determined rather by reference to practical considerations than to educational or other restricting tests. If, then, the number of voters is small as compared with the population, this is not due to any desire to keep the franchise limits high, but to what were felt to be administrative difficulties in the way of spreading it more widely. The system was, for the most part, a novelty: the obstacles created by widespread illiteracy, and the limited number of persons available to act as efficient Returning Officers, had to be considered and were regarded as a warning against "any such inordinate and sudden extension of the franchise as might lead to a breakdown of the machinery through sheer weight of numbers."*

The Provincial Electorate.

202. The following table shows, province by province, the proportion of electors in the general constituencies to population.

* M/C Report, para. 226.

	Population of the electoral areas in 1921. (Figures to nearest thousand.)	Electors, male and female. Women electors in square brackets	Proportion of electors to population.	Proportion of male electors to adult male population.	Proportion of female electors to adult female population.
			%	%	%
Madras...	42,319,000	1,365,000 [116,000]	3·2	11·6	1·0
Bombay	19,292,000	759,000 [39,000]	3·9	13·4	·8
Bengal	46,241,000	1,173,000 [38,000]	2·5	9·7	·3
United Provinces ...	45,370,000	1,589,000 [51,000]	3·5	12·4	·4
Punjab...	20,675,000	697,000 [21,000]	3·4	11·9	·5
Bihar and Orissa ...	33,820,000	373,000 [None]	1·1	4·6	—
Assam	6,735,000	250,000 [about 3,000].	3·7	14·2	·2
Central Provinces (including Berar).	12,780,000	169,000 [None]	1·3	5·2	—
Governors' Provinces excluding Burma.	227,238,000	6,375,000 [268,000 in 6 provinces.]	2·8	10·4	·6 (for 6 provinces.)
Burma	11,073,000	1,926,000 [124,000]	17·4	60·3	4·6

(i) The figures for the electorate are for the year 1926, except in the case of Burma where they are for 1928. It is not possible to make any reliable estimate of the increase in population between 1921 and 1926, but the consequent errors in the percentages given above are not likely to be very material. (ii) The census gives figures for males and females of the age of 20 and over, but, as the vote cannot be obtained till the age of 21, the figures used for adult males and females in 1921 are estimates. It is not thought that errors in these estimates will be sufficiently large to affect the percentages given. (iii) The above table excludes throughout the population of those areas which do not send elected representatives to the provincial legislatures.

Defects of Present Franchise.

203. The adoption of property qualifications as a basis for the franchise gave a predominance and sometimes a monopoly in the vote to certain classes of the population. Thus, though it is true that in an agricultural country like India the bulk of the population appears extremely homogeneous in its needs and aspirations, whole sections of the population came to be excluded from the franchise. Chief among these are nearly all the women and the general body of the poor. In exercising the option allowed to them of enfranchising women on the same terms as men, the provincial legislatures have made a gesture of high significance. But so long as the qualification for the vote is almost entirely a property qualification, it will remain a gesture, because India's women do not own property in their own right. Apart from Burma, the proportion of women voters is almost negligible. The case of the poor is similar. The depressed classes in Madras have 15.5 per cent. of the population ($6\frac{1}{2}$ millions), but provide only 4.1 per cent. of the electorate; in Bombay, with 8 per cent. of the population, only 2 per cent. of the electorate. In the Central Provinces, the Brahmin and the Bania have, in proportion to their numbers, not less than 100 times as many votes as the Mahar. The urban

labourer is often a depressed class man, frequently migratory and always poor, and therefore largely fails to qualify for the vote. Another result of the undiluted property qualification is that the Punjab Land Alienation Act—the Act which precludes members of non-agricultural tribes from ousting members of agricultural tribes from their land—has a discriminatory effect on the enfranchisement of various classes. Again, junior members of undivided Hindu families, however high their standing and education, often have no property and pay no qualifying tax in their own right, and are thus excluded.

The Joint Select Committee recommended that there should be no alteration in the franchise (apart from its possible extension to women) for the first ten years. Otherwise it is possible that defects in the present electoral rules which might be removed without altering the general scheme of qualifications, might have been remedied already. We refer to such cases as the total exclusion of Punjab tenants—a class tilling nearly half the cultivated area of the province—of the under-tenants in Bengal and the Central Provinces, and of the million employees in the Assam tea-gardens.

Proportion of Illiterate Voters.

204. If education be the best test of capacity to use the vote, the present franchise seems largely to fail to take advantage of the material available. Since the percentage in 1921 of the adult male literates in the electoral areas of the Governors' provinces, except Burma, was 15.7, and the percentage of adult males with the vote is smaller—10.4 in the same area, 9.7 in Bengal and 12.4 in the United Provinces—it might be expected that most voters would be literate. So far as figures are available, this does not seem to be so. It is certainly the case that large numbers of voters are illiterate, or vote as such. There are no complete records, but a careful estimate made in Bengal at the elections of 1926 showed that in the rural constituencies half the Muhammadans and one-third of the Hindus who voted were illiterate. The only other province that has provided us with figures on the point is the United Provinces. We are informed that practically all district officers in that area are agreed that the great majority of voters are illiterate,* and the actual percentage is put as high as 90 in some cases, and seldom lower than 70. We, therefore, have the anomalous result that a large proportion of the electors are illiterate, although the total number of registered electors is less than the total of adult male literates recorded in the census. Assuming that the census figures are accurate, it seems to follow that there must be a large body of literates who fail to qualify as electors.

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* In the United Provinces the total male electorate is slightly larger than the census figure of adult male literates in 1921, viz. 9%, though for India as a whole it is smaller.

Distribution of Constituencies.

205. The planning of constituencies for the provincial legislatures has, so far as the majority communities are concerned, been not unsatisfactory. The basis adopted for rural areas was the district, only exceptionally large and populous districts being subdivided to form more than a single constituency, and only exceptionally small adjoining districts being combined into one constituency. Though this method involved considerable variations in the area and populations of constituencies, it met the convenience, the local patriotism and the administrative traditions of those concerned. In the case of minority communities, however, a number of districts were sometimes thrown into one constituency in such a manner as to make effective representation altogether impossible.

We must give some examples and suggest some contrasts. In the United Provinces there are 48 districts; 44 of these form 44 non-Muhammadan constituencies, and the remaining 4 districts are paired into 2 more non-Muhammadan constituencies. On the other hand, only 11 Muhammadan constituencies are formed from single districts, 12 from combinations of from 2 to 4 districts, while one district is divided into 2 constituencies. To English ideas the district may seem too large a unit for the purpose. Let us take the county of Essex as a contrast. That county covers 1,530 square miles (the area of a quite exceptionally small district in India) and is divided into 20 constituencies—12 boroughs and 8 county divisions. In 1921 the population of the whole of Essex was about 1,500,000, and it has since greatly increased, while the total electorate numbered 685,000 in 1921 and 1,040,000 in 1929. The largest county division in Essex covers 377 square miles: the smallest 61 square miles. The rural constituencies of Essex varied in population (according to the census of 1921) between 92,000 and 56,000, and their electorates eight years later ranged between 99,000 and 40,000.

Now compare with these figures of a typical English county the following figures of population, electorate and area of constituencies each returning a single member to the legislatures of the Governors' provinces of India (excluding Burma) in 1926 :—

	Greatest.	*Smallest.*	*Average.*
For non-Muhammadan rural seats.			
Population	3,110,000*	76,000	550,000
Electors	114,100	2,000	14,600
Area in square miles	4,700†	700†	2,500
For Muhammadan rural seats.			
Population	1,004,000	50,000	352,000
Electors	28,000	600	8,000
Area in square miles	7,100†	600†	4,700

* The next largest is 2,188,000.
† For Bengal only.

	Greatest.	Smallest.	Average.
For non-Muhammadan urban seats.			
Population	500,000	40,000	126,000
Electors	50,000	1,800	9,800
For Muhammadan urban seats.			
Population	243,000	26,000	104,000
Electors	21,800	1,600	7,000

Unwieldy Rural Constituencies.

206. It is not, of course, reasonable to press too far the comparison between constituencies in England and in India. But whatever there may be in the special conditions of India which might go to simplify the use of electoral areas of this large size, the lack of communications, the prevalence of illiteracy, and the dispersal of so much of the population in small villages make the organisation of political activities very difficult and the progress of political education very slow. While Indian conditions may make it possible for the comparatively few who devote attention to public affairs to become known over a wide area, they certainly militate against the formation among the electorate of intelligent opinion on matters of policy.

Objection to the size of a constituency becomes pronounced when it comprises more than one district, and this constantly arises in the case of rural constituencies with a minority community. We may instance the two non-Muhammadan constituencies in Sind, each of which is nearly as large as the whole of Scotland; or the three Muhammadan constituencies in the Bombay Presidency proper, which on average are larger still.

Urban Constituencies—Grouping of Towns.

207. Urban constituencies are, as a rule, compact in size and below rural constituencies in numbers of electors, and still more in numbers of population. But communal constituencies in urban areas are sometimes formed by grouping together towns which lie at a great distance from each other. The result in such a case is to form a quite impossible unit. For instance, a single member represents the Sikhs of 72 urban areas of the Punjab spread all over the province. The separation of rural from urban constituencies is, however, welcomed alike by town and country, and there is often pressure to extend the process.

The Electoral Roll.

208. The general responsibility for preparing the roll, receiving nominations, conducting the election, and declaring the result rests with the district officer, though in municipal areas some of these duties may be performed by the local body. Complaints have been made of the inaccuracy of the rolls, but in

most provinces the increasing registrations on a stationary franchise are accepted as evidence of improvement. The roll is substantially correct when, as is usually the case, it rests mainly upon an accurate record of rights or upon adequate municipal assessment lists. The public have not yet appreciated the vote to the extent of scrutinising the draft rolls, when they are published for objection, though some candidates have given assistance in getting their supporters entered. The lists are inexpensively compiled, not by annual revision, but separately for each general election. They are founded on no house-to-house enquiry. They inevitably, therefore, provide loopholes for personation, but several of the provincial Governments, which have furnished us with information on the point, state that personation is not practised to any great extent. In rural areas the village officer knows the voters, and in towns candidates endeavour to protect themselves by personation agents.

The Taking of the Poll.

209. In rural constituencies, the district officer subdivides each *tahsil* or *taluka* of the district into a number of polling areas, each with its polling station. The number of stations is often limited by the number of suitable polling agents available. Even in well-populated districts, the voter may have to travel up to six or eight miles each way to record his vote, and in thinly-populated tracts often twice as far. The staff of all provincial offices in the district is drawn upon to conduct the election—except the police. Sometimes offices under the Central Government, like the posts and telegraphs, are called upon to contribute staff; non-officials also often help. As presiding officers at polling stations (who have to be resourceful as well as impartial) tahsildars, sub-judges, excise inspectors and the like, are as far as possible employed; but the deficiency of suitable officials is made up as best may be. Under the presiding officer, for the issue of ballot papers, are the requisite number of "polling officers"—usually clerks from various departments—the accepted basis being one polling officer to every two or three hundred voters. Two or three junior assistants or village officers, and a few peons, complete the establishment of the polling station.

In some provinces, for instance Madras and Bombay, a developed system of administration provides an agency sufficiently large to enable the elections all to be held on one day, and the necessity of interrupting normal official work for the occasion is recognised by the notification of a public holiday. In other provinces, lack of available staff causes the elections to be spread over several days, and in Assam even over a fortnight.

At present little or no expenditure is incurred on staffing the elections; at most, small honoraria are paid to the non-officials, and occasionally to some of the officials employed. As experience has increased, the whole cost of the election, including stationery, printing, renting buildings and setting up stations, has tended to decline. In the last general election the total cost to the Government of Assam was Rs.42,000, of Bombay, Rs.1,60,000, and of the Punjab, Rs.2,58,000. It is at least doubtful whether any suitable non-official agency could be employed as election staff, even if adequate payment were made. It is of first importance, of course, to secure impartiality and honesty, and the work of dealing with so many illiterate voters is arduous. The experience of not a few foreign countries illustrates the possibility of providing a complete democratic system of elections on paper which in actual application is entirely illusory. There can be no doubt that practical considerations of men and money make any very large and sudden extension of the franchise unworkable and administratively impossible.

The elections have in almost every instance been conducted in a most orderly, if animated, way. Handbills and posters, poems, bunting and feverish canvassing are the order of the day. The rules permit the polling officer to help the illiterate voter in marking his paper or selecting the appropriate box, but nevertheless in most provinces a fair degree of secrecy is obtained. In some cases the professedly literate voter, denied the help of the polling officer, has presented greater difficulty than the illiterate. The best endeavours of the administration have not prevented a considerable, though decreasing, proportion of the votes cast being spoiled votes. Difficulties such as these involve a large staff at the polling stations, and a slow procedure. It is quite exceptional for one polling officer, with the help of one or two assistants, to record as many as 500 votes in the day. Constant supervision is necessary too, if a breakdown is to be avoided, and even where some lowering in the standard of agency is possible, it would seem inadvisable to attempt it.

The Use made of the Vote.

210. The readiness of the voter to register his vote is a fact which the pessimist would find it difficult entirely to discount. We shall discuss its significance below. The figures are remarkably uniform, and show a very steady improvement.

Province.	Percentage of population enfranchised. (1926)	Percentage of votes polled in the elections of		
		1920	1923	1926
Madras	3·2	24.9	36·3 [11·4]	48·6 [19·2]
Bombay	3·9	16·2	38·4 [15·3]	39·0 [19·3]
Bengal	2·5	33·4	39·0	39·2 [13·0]
United Provinces ...	3·5	33·0	42·2 [2·8]	50·2 [10·0]
Punjab	3·4	32·0	49·3	52·4 [6·8]
Bihar and Orissa ...	1·1	41·0	52·0	61·0
Central Provinces ...	1·3	22·5	57·7	61·0
Assam	3·7	16·4	37·5	35·0 [not known]
The eight Provinces excluding Burma.	2·8	29·0	39·9	42·6
	(1928)	1922	1925	1928
Burma...	17·4	6·92	16·26 [9·8]	18·0 [14]

Figures for the recent exceptional elections in Assam and Bengal are omitted. The figures in brackets give the percentage of women who voted to female electors, and it is clear that the enfranchisement of women has slightly retarded the general rate of improvement. The figures generally show a connection between a small electorate and a high proportion of voters.

The percentages for Madras, Punjab, Bihar and Orissa, Assam and Burma relate to contested elections only. For other provinces the percentage of voters on the roll in all constituencies who polled their votes is shown. In all cases the figures cover special as well as general constituencies.

What do the Figures Show?

211. It has been suggested to us that these figures are misleading as an indication of political interest, because of the existence in certain parts of India of misconceptions, such as a belief among electors that voting is compulsory, or a belief among village officers that the duty was imposed upon them of bringing all the electors of their villages to the polls. The figures are certainly to some extent explained by the power which landlords and moneylenders possess over tenants and clients, and this is sometimes shown by the spectacle of a phalanx of villagers marching to the poll and voting solidly for one candidate. That such considerations are not without importance is suggested by the generally higher percentages of votes cast in the less developed provinces, and the very frequently poorer showing of the towns, where a better standard of education and the advantage of much greater facilities for the recording of votes are discounted by the greater independence of the voter. But we do not believe that they account for the relatively high level of voting at elections. It is clear that electoral contests do really attract the interest of the general body of voters. But it is very largely a contest of persons, not of

policies, which is presented to the elector's mind. In the present stage of party organisation in India, that is obvious and inevitable.

The Attitude of the Elector.

212. What is in the mind of the average elector when he casts his vote? An experienced district officer who gave evidence before us, and who had himself been responsible for conducting elections in a rural area, thought that the average rural voter's general understanding of the election was that he was "helping to select someone to do important work at headquarters." The idea that he should watch the actions of his representative, and call him to account for them, has not perhaps entered his mind. But it would be dangerous to dogmatise even on this, for the popular favourite of one election often fails signally at the next.

It is nevertheless apparent that ignorance and superstition put some classes of the electorate at the mercy of ingenious and unscrupulous canvassers. Undesirable forms of pressure are probably fairly common. As to the extent of corruption, opinions differ.* Allegations of corruption are easily made, and every rumour of its existence is readily seized upon by many defeated candidates as an explanation of their failure. But where enquiries have been held as the result of election petitions, corruption has very seldom been proved. It is notoriously difficult to prove. Corruption will occur at elections wherever there is no effective public opinion against it, as the history of our own country, and of every country in which Parliamentary institutions exist, has shown. There is no legal restriction on the amount that a candidate may spend on an election, though he makes a return, classified under various headings, of what he has spent. Possibly a limit on expenditure and greater stringency in checking the figures would limit improper outlay. Certainly, any step that can be taken to reduce the extent of corruption in elections and to secure its punishment should be adopted.

The Candidate and his Platform.

213. Candidates have in general come forward freely. This is still the case although a rule enforcing an election deposit of Rs.250 was introduced in 1923.† The deposit is forfeited when

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* It is necessary to distinguish between corruption in its grosser forms and such electoral offences as covertly hiring conveyances or providing those small refreshments which are traditionally supplied and expected in India when country people are invited to attend any function or ceremony. These latter practices are certainly common, though illegal.

† For the eight provinces, excluding Burma, the uncontested seats were, in general elections :—

In 1920—191 out of 638.
In 1923—139 out of 638.
In 1926—129 out of 639.

At the time of the 1920 elections there was no rule enforcing a deposit. The number of deposits forfeited in the two later general elections were in 1923—246, and in 1926—182.

a candidate receives less than one-eighth of the votes polled, divided in plural constituencies by the number of seats. A candidate is, however, permitted to withdraw his nomination and receive back his deposit before the nominations are scrutinised. Withdrawals are so numerous that it is impossible not to believe that nominations so withdrawn may often have been made otherwise than in good faith.

Members of the provincial (as of the central) legislatures receive no salaries, but merely daily allowances sufficient to cover the cost of residence together with first-class travel while attending a session and proceeding to and from a session. The scale of allowances appears to be such as would constitute some inducement to seek election in the case of those prepared to live simply.

Except in the case of the last general election in the Madras Presidency, when both the Justice and Swaraj Parties adopted a list of candidates nearly equal to the number of seats, it has been the almost universal practice for the candidate to stand for election on his own individual responsibility. He has often chosen his party as seemed best to him after his nomination. The dependence of the candidate upon his own resources for election, the far stronger appeal to the electorate of personality, community and local influence than of party or programme, and the continual shifting of party names and policies have made this inevitable. Latterly the Swaraj party, on its evolution as an instrument of the Congress, has secured for itself an existing organisation with members, funds, offices and other party paraphernalia in all parts of India, as well as the support of a predominant proportion of newspapers and periodicals. No other party has any comparable organisation. These movements are rudimentary and unsystematic. There are certainly signs in the presidency towns and in large cities that party organisation may develop, but still everywhere the party rather supports than selects its candidates. In the rural areas, and particularly in the two predominantly rural provinces in which the electorate is the most restricted—Bihar and Orissa and the Central Provinces—possession of property and local influence are indispensable to success; communal affiliations are of great importance: personality and a record of past achievements are helpful: while political views and opinions on matters affecting the lives of the electors usually count for little.

The Choice of Representatives.

214. At the introduction of the Reforms there was considerable support for the opinion that candidature should be restricted to residents of the constituency, in order to protect the rural candidate from the townsman. Such a residential qualification was prescribed in three provinces. In one, the Punjab, it has since been abolished; in another, the Central Provinces, it has been modified by restricting candidature not to the constituency

but to the district; in Bombay alone it is now preserved intact. In the Punjab the rural candidate has substantially maintained his position, but in the Central Provinces he has not. The majority of the Bombay Government favours the retention of the rule, but we have heard of no demand now existing for its introduction elsewhere.

The most favoured candidate is the pleader. He is usually detached from local personal rivalries; the poor man almost automatically entrusts him with all business which he does not understand: and the profession embraces members of all castes and communities. Public men—such as honorary magistrates, presidents of municipalities and district boards, or organisers of co-operative societies—are less ready to submit to the anxieties of an election, and their very eminence often exposes them to jealousy. After pleaders, it is the classes of substantial landowners, moneylenders, medical practitioners and retired Government servants which supply most of the rural representatives. In the towns a number of business men are returned, and lawyers with good practices are less ready to enter politics. A class of men who make politics their main profession is steadily growing.

Special and Minority Constituencies.

215. The electorates in certain provinces composing the communal constituencies which return Europeans, Anglo-Indians and Indian Christians are comparable in numbers with the smallest of the Muhammadan or non-Muhammadan constituencies. The voters returning members for each European seat vary from over 5,000 to under 2,000; those returning members for the three Anglo-Indian seats (Madras, Bengal, and Burma) average nearly 2,500, and in Madras 25,000 Indian Christians return five members. Members returned in the special constituencies, other than the university constituencies, often represent very narrow electorates. This is to be expected in the "commerce" seats. For instance, 96 members of the Madras Chamber of Commerce elect two members, 16 members of the Madras Trades Association elect one member, and the electorate returning to the provincial legislature the five members representing commercial associations taken together numbers 1,236. But the special landholder electorates are conspicuously small. In Madras 598 landholders return six members, and the average number of electors returning each of the 32 landholder members to the legislatures is under 200. The contrast to the general constituencies is striking, and offers a target for criticism especially in view of the difficulties with which the representative of a large general constituency has to contend.

216. The separate representation of communities and special interests is, as we have remarked elsewhere, the most noticeable feature of the Indian electoral system. This may merely reproduce the pre-occupation of the electorate with communal and sectional matters, but it does nothing to diminish it. We have

not heard sectional bias attributed, nor do we believe it could often justly be attributed, to the non-official European members. Their presence in the legislatures has been welcomed by Indians of all communities. Whether professedly representing the European community of a province or a chamber of commerce or other predominantly European body or interest—the difference between the two modes of representation is scarcely reflected in the members returned—they have been distinguished in the legislatures by their public spirit, sympathy and width of outlook. It is a most satisfactory feature of the reformed constitution that advantage has been taken in it, for the first time, of the contribution which the non-official European can make to Indian politics. There has frequently been difficulty, as might be expected, in finding Europeans who have sufficient leisure to spare for such duties. Contested elections for European seats have seldom arisen and changes of representatives have been frequent. But there are several instances of European business men who, while still retaining connection with their firms, devote the greater part of their time to legislative business; and this is of great public advantage. The representatives of other communal minorities have done a great deal of useful work for their communities in the legislatures. But they naturally tend to adopt a strictly communal view, although there are individuals among them who seek to take a wider outlook.

Contact between Member and Voter.

217. Elections in Britain derive most of their interest and vitality from the fact that they are the arena for the real contest between a party in power and a party or parties aspiring to power, a contest for which all political activity is more or less a preparation. With the exception of the Justice Party in Madras, there has never been in India a government party which has appealed to the electorate on its record. The personal appeal, whether based on a zeal for service or on any other ambition, can be no substitute in the minds of the general population for the party contest and the political programme. In the absence of parties deeply interested in the results of their endeavours, there can be no steady preparation, no silent consolidation of opinion and no abiding enthusiasm. Even if such parties existed, the difficulties with which they would have to contend in India would be great. The voters in rural areas consist of unrelated groups of persons inhabiting innumerable scattered villages. Almost the only means by which the member can reach the great majority of them is by personal contact. The Swarajist group, though it has developed its organisation better than any other, hardly reaches the villager, nor, until it sets before itself the prize of office, is it likely to acquire the means or ambition of doing so. The first requisite therefore, if any permanent contact is ever to be obtained between voter and member, is the introduction of real political

responsibility. The candidate at present best utilises his scanty resources and sufficiently serves his ends if he concentrates his energies on a short electoral campaign before polling takes place. Often his activities are confined to the period between nomination and election. Once elected, he has no inducement, even if he had the means, to nurse his constituency for the next contest or to explain the course of events and the view he takes in regard to it. If he has put forward any political programme at the elections, he may ignore it in the confidence that he will not be called to account. Not for three years need he remember his dependence on popular favour; and meanwhile the political education of his constituents has stood exactly where it was before.

CHAPTER 2.—THE WORKING OF THE PROVINCIAL CONSTITUTION.

218. We think that our description of the working of the dyarchic constitution, which must necessarily be given in general terms, may be more illuminating if we preface it with an outline of the working of the local legislature in three widely differing provinces, Madras, Bengal and the Punjab. It is impossible in India to say that any one province is typical of anything beyond its own area, and it must not be inferred that the description of the course of events in these three provinces will suffice, by itself, to give a fair picture of the general trend throughout all the Governors' provinces. Considerations of space preclude our dealing in a similar way with all the provinces, but we shall, of course, attempt, in our subsequent general account, to bring to notice features of special importance wherever they may be met with. Those, however, who wish to study in more detail the developments in other provinces (or indeed in the three provinces for which we are giving a summary) are referred to the admirable reviews provided by the provincial Governments themselves in their Memoranda prepared for the Commission (see Nos. VI to XIV inclusive of the volumes published as supplements to our Report).

Madras.

219. The result of the first elections in Madras in 1920 was to give the non-Brahmin or " Justice " Party a decisive victory over the Brahmins. Though the Justice Party was formed with the main object of fighting the predominance of Brahmins in the political life of the Presidency, the cleavage was not solely sectarian. The non-Brahmins were prepared to work the reformed constitution; their opponents were not, and the ease with which they were defeated was due to the fact that many of them, under the influence of the non-cooperation policy, boycotted the elections. The Ministers were all chosen from the Justice Party, and for the first and last time in the history of dyarchy throughout India, up to the present, there was a Ministry both drawn from a single party and supported by an assured majority of elected members in the Legislature, apart from any assistance it might secure from groups outside its own immediate followers. Nearly all the members in the Council who opposed them were Brahmins.

The existence of a majority party made it possible to constitute a Ministry which accepted the principle of joint responsibility and acknowledged the leadership of a " Chief Minister." The existence of such a post is not contemplated by the constitution, but has, throughout, been recognised in Madras. From the first the policy was adopted, and successfully carried out, of

holding constant joint meetings of Members and Ministers and of acting together, so far as possible, as a unitary Government. It may be noted that the Government included a Brahmin as one of the two Indian Executive Councillors (the other being a Muhammadan).

One of the first uses which the Justice Party made of its power was to secure favourable treatment for non-Brahmins in the matter of appointments to the government services and to local bodies. Two notable measures, which stand to the credit of the Ministry among a considerable volume of legislation, were an Act designed to encourage nascent industries and an Act for reorganising Madras University. The Council, by passing three special enactments, assisted the Government in fighting the non-cooperation movement in the districts.

220. The 1923 elections saw the entry into the Council of the Swarajists. Their avowed object, as an All-India party, was to wreck the reformed constitution from the inside; but in Madras there was never any attempt, in the Council, to press this policy to its logical extreme. Fissures had developed in the Justice Party (not entirely unconnected with the Ministry's use of patronage), and it was opposed at the elections by some non-Brahmins as well as by Swarajists. Nevertheless, it still retained a majority. The Ministry was again formed from it, but it was faced with far more powerful opponents, who comprised a large bloc of progressive non-Brahmins, the Swarajists, and the Independent Nationalists. These groups eventually formed themselves into a regular opposition under the name of the "United Nationalists," though the Swarajists did not abandon their organisation as a separate group. The Ministry were no longer independent of the support to be obtained from the official bloc and nominated members of the Council.

221. The 1926 elections resulted in the Swarajists being the largest party in the House, but they refused to accept office. A Ministry was formed from independent members, and was confronted with an opposition composed both of Swarajists and of members of the Justice Party. Naturally, it did not show the same cohesion as in the previous six years. Differences between Ministers showed themselves at an early stage over the question of prohibition. The Ministry had eventually to be reconstituted in 1928, when two Ministers resigned on the question of cooperation with the Statutory Commission. The Chief Minister remained with two fresh colleagues. Even with the support of the official bloc, the Ministry could not have remained in existence but for the tolerance at first of the Swarajists and later, when these swung against it, of the Justice Party.

The Muhammadan element in the Madras Council is small, and has not so far organised itself into a definite Muhammadan bloc.

Bengal.

222. As a result of the non-cooperation boycott of the elections, the first new Legislative Council in Bengal contained no representatives of the extreme elements, whether Hindu or Muhammadan, except for a few low-caste members from the Chittagong Division, put up by the non-cooperators in order to bring the Council into disrepute. There was no majority party from which to form a homogeneous Ministry; but the Ministers (two Hindu and one Muhammadan) succeeded after a time in forming, mainly out of their own personal adherents, a kind of very loosely knit party, of both Muhammadans and Hindus, who were generally ready to support them, though not averse from voting against Ministers on minor questions, and often attacking the reserved side of Government. There was a tendency for the general body of Muhammadans to form a separate group. A group of about 25 or 30 Hindus consistently opposed both the reserved half of Government and the Ministers. The Executive Council and Ministers had from the start discussed together matters of importance. From 1922 to 1927 all meetings of the Government were joint* and, though it is true that in 1927 there was a return to the practice of holding occasional meetings of the Executive Council alone on matters connected with security and public tranquillity, the mutual dependence of the two halves of Government was throughout carried into the Legislature where both presented a united front. Ministers, in the first Council, with the support of the official bloc and the European non-officials, became assured of a majority, which might otherwise have been precarious, and in return they were able partially to mitigate the opposition of the Council to the reserved half of Government. The first Council had the courage to impose additional taxation; in voting supply, though highly critical, it was not altogether unreasonable. In 1921 a demand for the police which it had at first rejected was, on reconsideration, passed.

The most notable piece of legislation was the Calcutta Municipal Act. This Act of over 500 clauses, which was before the Council for 18 months, and aroused communal feeling over its electoral provisions, completely reformed and democratised the constitution of the Calcutta Municipality. The Minister, the late Sir Surendra Nath Banerjee, described it as creating "a veritable *swaraj* in the government of the second city of the Empire."

223. The Swarajists (led by the late Mr. C. R. Das) entered the second Council in 1923 with the largest party (47 members). They refused to accept office and, with the general support of 19 Independent Nationalists, did their best to produce deadlock. During the first Budget (1924) they rejected almost wholesale the demands for the reserved departments, which had therefore to be "restored." They were less successful against the transferred

* Whenever Ministries existed during those years.

departments, but threw out the vote for Ministers' salaries. The Ministers had already been attacked at an earlier stage for having voted with the reserved side of Government against the majority of the Council on a resolution demanding the release of political prisoners. Two Moslem Ministers (a third Hindu Minister, who had lost his seat at a bye-election, having resigned and not been replaced) carried on without emoluments for a few months, but resigned after a second attempt to secure salaries for them had failed. The Governor took over the administration of transferred subjects temporarily under the special provisions made under the Act for such an emergency. In the next year the strength of the Swarajist opposition was somewhat diminished, and Mr. Das's health was failing (he died in June, 1925). A fresh attempt to establish a Ministry was defeated, but this was due as much to the action of an ex-Minister and his friends as to Swarajist opposition. The transfer of all subjects in Bengal was then revoked for the time being, so that every department became reserved. In 1926, the Swarajists withdrew from the Council, proclaiming that, although they had failed to mend the system of government, they had destroyed dyarchy; and in their absence the Budget was passed without difficulty. The second council accomplished little by way of legislation; the Government introduced only Bills of immediate urgency or Bills which could not well be distorted by amendment.

224. The third Bengal Council saw the Swarajists still the strongest party, but reduced in numbers. Communal strife in 1926 had resulted in detaching almost all Muhammadans from them. Most of the Muhammadans were now in favour of working the constitution, as also was a group of Hindu "Liberals" and "Responsivists," but all these groups, except the Swarajists, suffered from internal dissensions.

At the opening of the third Council, there were still no Ministers in Bengal, and no transferred departments. In January, 1927, the Council passed by 94 votes to 38 a grant for salaries for Ministers. This must not be understood to mean that any Ministers then existed. It only meant that the Council voted the sums necessary if Ministers were appointed. The suspension of the transfer of subjects accordingly ceased, and the Governor endeavoured to find two Ministers from among the elected members. A Muhammadan was appointed, but resigned in a few days, as no Hindu colleague was willing to work with him. Then another Muhammadan and a Hindu Minister were appointed. They were constantly attacked in the Council and finally fell, on votes of no confidence, in August, 1927. Two fresh Ministers (Hindu and Muhammadan) were appointed in October, 1927. The vote for ministerial salaries was easily passed in the Budget of March, 1928, but a few days later a motion of no confidence was only defeated by

a narrow majority. There was a change in the Hindu Minister, when the one who had held office since October, 1927, was, in July, 1928, appointed an Executive Councillor. His Moslem ministerial colleague and the new Hindu Minister survived till February, 1929, when votes of no confidence against them were passed by very small majorities.

Personal jealousies entered largely into the causes of the third Council's intermittent opposition to Ministers. Hostility to dyarchy was not an important factor, for almost immediately after the defeat of Ministers in the flesh in February, 1929, the budget provision of salaries for Ministers in the abstract was passed by a two to one majority.

The Governor, after a lengthy effort to secure yet other Ministers, was forced to the conclusion that he could not find anyone who would command sufficient support to ensure stability. The position had been further complicated by the non-official Europeans announcing that they would no longer help to keep in office Ministers who did not command sufficient backing to give them a chance of carrying on their work undisturbed for a reasonable time. The Governor, who had been administering the transferred subjects himself for some months, therefore decided to dissolve the Legislature.

The fourth Council met in July, 1929, but it was not until December that the Governor found it possible to form a Ministry. This was composed of two Muhammadans and one Hindu, who have remained in office up to the present time.

The Punjab.

225. The first Ministers appointed in the Punjab were two, one Muhammadan and one Hindu representing Hindu urban and industrial interests. The Muhammadans in the first Council formed an organised group, which generally followed the guidance of the Moslem Minister and, when supported by the official bloc, commanded a majority in the Council. Voting was mostly on communal lines, and the Hindus and Sikhs generally acted together and often opposed Government. Signs of cleavage between urban and rural interests were also apparent, but it is not always easy in the Punjab to distinguish such a cleavage from Hindu-Moslem differences.

The second Council closely resembled the first except for the appearance of a small group of Swarajists. Most of the Muhammadans combined with a few agriculturalist Hindus and some Sikhs to form a rural party known as the "Punjab National Unionists." A Hindu Minister from this party was appointed together with the Muhammadan Minister who had held office during the previous Council. The latter was subsequently appointed a member of the Governor's Executive Council and his place as Minister was taken by a Sikh. But though there

was now no Muhammadan Minister, the influence of the former Minister continued to be very great over the Moslem members he had previously led. The new Sikh Minister relied at least as much on the support of the National Unionist party as on that of the main Sikh group. The regular opposition composed of the Swarajists and a few others was not well organised and did not always act together.

From the third Council the Swarajists had practically disappeared; the National Unionist Party contained a reduced number of Hindus and became almost entirely Muhammadan; and the main body of the Hindus organised themselves into a party principally representative of urban interests and in closer touch with Government than any previous Hindu group. The Ministry was composed of a Muhammadan member of the National Unionist Party, a member of the major Hindu party, and a Sikh.

An opposition, consistently hostile to Government, was composed of some 10 or 12 Swarajists and Muhammadan and Sikh extremists under the name of the Nationalist Party.

226. None of the parties, in any of the three Punjab Councils, was held together by any close political tie or by any strict discipline. The Sikh Party was the best disciplined, but was under the influence and, until after 1925, the close control of a dominant Sikh religious organisation. This allegiance to a body unconnected with the House led to the Sikh Party occupying a less effective position than it might otherwise have secured, and often ranged it rather with the more extreme Hindus than with the rural Unionists with whom it had many natural affinities.

The Punjab Legislature has not at any time attempted to bring administration to a standstill, and has on occasion shown itself ready to risk unpopularity both in support of the Government on matters affecting law and order and in imposing taxation. It has shown itself more interested in practical affairs than in political abstractions.

Its handling of the Sikh Gurdwara Bill of 1925 (concerned with the administration of Sikh shrines), the passing of which robbed the Akali agitation of most of its force, showed that the Council was ready to co-operate with Government in dealing with a difficult subject involving religious issues of a perplexing character and vitally affecting the reserved side of the administration though arising out of a transferred subject in charge of a Minister.

The most striking feature of the Council remains, nevertheless, its deep communal cleavages; and the stability of the successive Ministries is largely to be explained by the existence of an official bloc generally in a position to hold the balance between nearly equal forces of Muhammadans on the one side and Hindus and Sikhs on the other.

Political Parties.

227. We have seen in Chapter 4 of Part II how complex is the composition of the legislative councils and how it is based essentially on the principle of providing separate representation for each of the main communities and interests.

As might be expected, the result—unfortunate though probably inevitable—has been to produce legislatures in which the formation of political parties, in the sense in which they are understood in this country, has been almost impossible and has indeed rarely been attempted. The various groupings, with kaleidoscopic changes of nomenclature, composition and leadership, have not often been on anything but communal lines, and their communal character has tended to become more rather than less pronounced.

The only really well organised and disciplined party with a definite programme (though, it is true, a negative one) is that of the Swarajists. Only in Bengal and the Central Provinces did they, even temporarily, achieve their initial object of making dyarchy unworkable, and in the provinces they have tended everywhere, in varying degrees, to be transformed into an opposition of a more constitutional kind, and have not infrequently played a useful part as keen and vigilant critics. With the detachment of most of their original Moslem members, they have grown more definitely into a communal party. Other smaller parties formed, as in the case of the Swarajists, outside the provincial councils, and more or less of an All-India character, have appeared from time to time in the provincial councils, such as Nationalists, Liberals and Responsivists, but these have not so far played a very conspicuous part.

Turning to parties originating within the councils themselves (not, it may be observed, in the constituencies), these have mostly been small fluid groups, generally communal or local in character, with an occasional, but not apparently permanent, tendency to amalgamate. Perhaps the best instances of something approaching true (even if not non-communal) parties are the Justice Party in Madras and the National Unionist Party in the Punjab, already described. Signs of an urban-rural cleavage have on occasions appeared in the Bombay Council, but without any tendency for these two interests to crystallise into parties. Landlord and tenant make a division which has also emerged from time to time, especially in the United Provinces, where the landlords form a majority, though they have never formed themselves into a coherent party.

The organisation of such groups as exist has tended to improve. Regular meetings of groups and the appointment of Whips have become more usual. This is, no doubt, mainly due to the growth of parliamentary experience; but possibly partly to the fact that divisions are now more definitely on communal lines than in the earlier councils, with correspondingly somewhat greater natural stability.

The Official Bloc.

228. The view is often advanced that the growth of parties has been hindered by the existence of the official bloc. This is a speculation about which it would be unwise to be too dogmatic; but what is beyond dispute is that the official bloc has provided a nucleus round which detached elements have from time to time rallied, has helped to decrease the instability of the balance of existing groups in the legislatures, and has made the tenure of office of Ministers far less precarious.

The authors of the Montagu-Chelmsford Report hoped for the establishment of a convention that official members of the legislative councils should abstain from voting when transferred subjects were under discussion, and on other matters should have freedom of speech and vote, except when the Government thought it necessary to require their support.* The Joint Select Committee thought that all official members of legislatures, except the Executive Councillors, should be free to speak and vote as they chose.

These theories have not proved practicable in the stress of working the new constitution. It would obviously have been embarrassing, if not improper, to have officials openly differing from the Government they served, even if their votes were not necessary for the support of that Government, but actually the reserved side was nearly always badly in need of their votes. A development which could not so easily have been foretold was that Ministers also frequently needed the support of the official votes. No Governor could let a Ministry, which had not forfeited his confidence, perish, or even suffer embarrassment, through the opposition or abstention of members under his orders, members, indeed, who were servants of the Government as a whole and often immediate subordinates of the Ministers. There have been one or two occasions on which the Whips were taken off and officials voted as they pleased, and a few cases in which officials took a line of their own, but these were few and far between and of no constitutional significance. It became the universal practice for the officials in the councils to vote with Government, whether the subject under discussion belonged to the reserved or transferred side. Government could, therefore, always rely on this small, but solid, block of votes.

Government could generally, though not always, rely also on the nominated non-official members. It may be remarked in passing that one of the objections to the system of nomination is the suspicion that the nominee will be more ready to support the Government, to which he owes his appointment and to which he must look for re-appointment, than to be guided by the views of the interests which he represents. Government has also generally been able to secure the support of the non-official Europeans.

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* M/C Report, para. 233.

Absence of Ministerial Elected Majorities.

229. The importance of the existence of a Government bloc in the councils was enormously increased by the fact that such following among the elected members as the Ministers could command was seldom sufficient by itself to ensure them a majority.

In the first councils, there was nowhere, except in Madras, a homogeneous ministerial party with an assured elected majority. Generally, each Minister could carry with him (though by no means always with complete certainty) the votes of a small group, in many cases held together mainly by personal ties, and the votes of the official bloc were exceedingly useful and sometimes essential to provide a majority for Ministers. In the United Provinces, the ministerial supporters were definitely in a minority, and Ministers depended not only on the official votes, but on the personal influence which the Governor carried with the landlord members of the Council.

In the second councils, the Swarajists were sufficiently powerful to wreck the Ministry in the Central Provinces, as well as in Bengal. In the United Provinces two landlord Ministers now had an assured majority. As we have seen, the Justice Party majority in Madras was considerably diminished, and the official bloc began to be a factor of importance to Madras Ministers, as it had been and continued to be in the other provinces.

In the third councils, the situation was one in which there was no legislature in which the official bloc was not an actual or potential balancing factor. The ministerial majority had again disappeared in the United Provinces.

There is, accordingly, no province in which the official bloc has not at some time or other been of decisive value to Ministers, and in some provinces there has never at any time been a sufficiently large or cohesive ministerial party to enable Ministers to ignore the assistance of their official supporters.

These facts have had an important influence on the working of the dyarchic constitution; but further analysis needs, as a preliminary, some consideration of the working of dyarchy within the Executive itself.

The Dyarchic Executive.

230. Governors in choosing their Ministers have had an exceptionally difficult task. It could seldom be predicted what following a Minister would have in the legislature, quite apart from the fact that his acceptance of office was often followed, owing to personal rivalries, by the detachment of some of his previous adherents. The field of men of outstanding ability was not wide, and the refusal of office by the Swarajists made it still narrower in some provinces.

Ministers, mostly new to administration, suffered greatly from having to devote much of the time and energy needed for their

duties to the tasks of attempting to keep the support of a precarious following in the legislature, and of meeting attacks—whether by way of votes of censure, motions for reduction of their salaries or other less direct methods—often inspired by motives only connected remotely, if at all, with disapproval of their policy or administration. The prevailing financial stringency was also a source of many difficulties—a point to which we shall return in Part V. of this volume.

These conditions have constituted a severe handicap, and the results which Ministers have achieved are, in most provinces, greater than might have been expected under such drawbacks. Much is no doubt due—as Ministers themselves have acknowledged—to the devoted service of officials, and much to the help and guidance of Governors. Ministerial handling of affairs has been such that there has been little occasion for resorting to the Governor's statutory power of overruling their views; in some provinces this power has never been used at all.

Ministers have shown themselves notably energetic in several of the spheres of administration committed to their charge. In some provinces they have made interesting experiments on which a bureaucratic government might have hesitated to embark. The results may not always have been successful, but a quickened public interest has certainly been achieved.

It is, no doubt, largely due to the wisdom with which Governors have used the dominant influence given them both by tradition and under the constitution in respect of both halves of Government, that Members and Ministers have succeeded, with hardly any exceptions, in overcoming the difficulties of working a Government divided into two halves. According to our information, relations between Members and Ministers have usually been excellent.

Ministers have worked together with far less friction than might have been expected in circumstances in which they were, more often than not, drawn from different groups or communities, and in which the taking of office has seldom been conditioned by any understanding that the principle of joint responsibility would be observed. This principle, it is true, was recognised by the Justice Party Ministries in Madras; and we may instance, by way of further examples, the resignation of a United Provinces' Minister, Pandit Jagat Narain, in company with the Education Minister, Mr. Chintamani, on a matter arising in the education department; or the acceptance by Mr. Chakravarti, in August, 1927, of the Bengal Legislature's vote of no confidence in Mr. (now Sir A. K.) Ghuznavi as a vote of no confidence in the Ministry to which they both belonged. It is curious to note that the Bengal Legislature refused to recognise the principle of joint responsibility accepted by the Ministers themselves, and insisted on carrying a second separate motion against Mr. Chakravarti, in spite of his statement that

he would resign as a consequence of the vote against Mr. Ghuznavi.

231. The success achieved in avoiding conflict within the Government itself was attained by encouraging its operation as a single whole, rather than by keeping separate the two component parts. The practical impossibility of conducting Government—at all events so far as major questions are concerned—in watertight compartments was in any event bound to produce a strong tendency in this direction, and this natural development was generally fostered by Governors. It became the widespread practice for all questions of importance to be discussed at joint meetings of the two sides of Government and for the decision to be taken thereat, although it was recognised that constitutional responsibility for the decision rested only with part of those present. Separate meetings of the Executive Council seem to have been comparatively infrequent, and separate meetings of the Governor and Ministers alone together rarer still. There was, of course, in any case, nothing to encourage the holding of separate meetings of all the Ministers together as a "Ministry" in those instances in which there had been no development of the sense of joint responsibility among Ministers. As might be expected, the precise extent to which the policy of unified consultation was carried out has varied somewhat from province to province and from time to time in the same province; but the general development has undoubtedly been of the character stated above.

Failure to establish "Responsibility" of Transferred Side.

232. The theory of the reformed constitution is that Ministers, without being answerable for the reserved departments or for policy associated with the reserved side, are jointly responsible to the elected legislature in respect of the transferred half of Government. But it seems to us that it has proved impossible to translate this theory into practice. Difficulties in the sphere of law and order led at one time in the United Provinces to a quite definite swing-back from the method of unified consultation, and the then Governor sought to make the practice regulating the taking of decisions by the dyarchic Government strictly conform with the constitutional theory. But it is not clear that any greater success was obtained in this instance in establishing in the eyes of the public the principle of the responsibility of Ministers to the legislature.

The intention of dyarchy was to establish, within a certain definite range, responsibility to an elected legislature. If this intention is not carried out, the justification for the constitutional bifurcation and for all the complications which it brings in its train is difficult to find. In the light of experience, it may be doubted whether the object aimed at could be attained as long as both halves of Government have to present themselves

before the same legislature. The practical difficulty in the way of achieving the objective of dyarchy and of obtaining a clear demarcation of responsibility arises not so much in the inner counsels of Government as in the eyes of the legislature, the electorate, and the public.

233. Provincial legislatures were by the nature of the constitution set the difficult task of discharging two different functions at the same time. In one sphere, they were to exercise control over policy; in the other, while free to criticise and vote or withhold supply, they were to have no responsibility. The inherent difficulty of keeping this distinction in mind has been intensified by the circumstances under which the councils have worked to such an extent that perhaps the most important feature of the working of dyarchy in the provincial councils, when looked at from the constitutional aspect, is the marked tendency of the councils to regard the Government as a whole, to think of Ministers as on a footing not very different from that of Executive Councillors, to forget the extent of opportunities of the legislatures on the transferred side and to magnify their functions in the reserved field.

234. The Joint Select Committee's view of the relationship between Members and Ministers in the Legislature was as follows :—

> "Members of the executive council and Ministers should not oppose each other by speech or vote; members of the executive council should not be required to support by speech or vote proposals of ministers of which they do not approve, nor should ministers be required to support by speech or vote proposals of the executive council of which they do not approve; they should be free to speak and vote for each other's proposals when they are in agreement with them."

The temperature of Indian politics is seldom so tepid as to make such detachment practicable. Ministers who are not for the Government policy are naturally regarded as against it. We learnt that in the fastness of Shillong it was possible for Ministers with considerable frequency to abstain from supporting the policy of the Governor in Council without untoward results. This was rarely so elsewhere. Members and Ministers were in too great need of mutual support. It is true, nevertheless, that a few instances did occur (mainly in the United Provinces) of Members actually voting against Ministers and Ministers against Members.

Difficulties produced by Working of Dyarchy.

235. We have already mentioned the rarity of an assured elected majority in support of Ministers. The effect produced has been profound. It is largely psychological and deserves careful analysis. Ministers are seen to be, and feel themselves to be, largely dependent on the official bloc; they are necessarily

in close relation with the reserved side of Government; and it has not infrequently happened that a Minister is subsequently appointed to be an Executive Councillor. All this helps to create a feeling that, when an elected member is appointed a Minister, he becomes a "Government man," and Ministers themselves have seldom altogether escaped the effect of the instinctive opposition which is aroused by their association with "Government," with the result that the ties between them and their supporters are weakened. It is far from being the case that the appointment of a leader of a group to ministerial office has increased his authority with his former followers.

There have also been reactions on the reserved side of Government. Ministers, who owe so much to the support of the official bloc, endeavour to obtain for the reserved side of Government the vote of elected members with whom they are specially associated, though they do not invariably succeed. It is, of course, important that this support should be given to the reserved side, for otherwise it may find itself in a minority, and the Governor in Council is naturally unwilling to invoke, save as a last resort, special powers of restoration and certification. But this situation involves the consequence that the reserved side of Government may be much influenced by Ministers and their following. Decisions to be reached by the Governor in Council are affected by calculations of the probable attitude of ministerial supporters. The stronger the following of Ministers, the greater their influence on the reserved side, and the theoretical distinctions involved in the idea of dyarchy are likely to be blurred in practice. Thus the two halves of Government have been thrown into each other's arms through their relations with the legislature, no less than by the impossibility of conducting the administration in compartments. The resulting almost irresistible impulse towards a unification of Government has probably been all to the good from the point of view of the efficient conduct of business; but the underlying and fundamental conception of the dyarchic system—complete "responsibility" of Ministers in a certain defined field, and in that field only—has become almost hopelessly obscured.

It would, of course, be an exaggeration to say that there was no difference in the attitude of the councils towards Ministers and Executive Councillors. There has usually been distinctly less opposition to ministerial measures and to demands for grants on the transferred side, but this has probably been largely due to the nature of the subjects assigned to each. The unpopular tasks of Government are left to be discharged by its official members. Police or land revenue administration are not subjects likely to arouse enthusiasm and often involve measures of great unpopularity; while for education, for health administration, and for other departments in the hands of Ministers, to which the term "nation-building" is so frequently attached, there is a very real keenness.

Conduct of Parliamentary Business.

236. A British Member of Parliament watching the work of the provincial legislatures will be impressed by a number of differences from the British model. The comparative brevity of the sessions (usually about five or six weeks in the spring when the Budget is taken, and somewhat shorter periods later in the year): the circulation in advance of answers to questions: the devotion of so large a proportion of time to resolutions (partly no doubt a heritage from the days of the Morley-Minto Councils): the concentration during budget discussions on the distribution of available resources rather than on the means of raising sufficient funds to finance predetermined needs: the small number of members occupying the Government bench and their lack of any assured control of the House: the constant forming and shifting of groups: the sniping at an individual Minister, the criticism of individual officials, and the communal rancour: all these features, whether trivial or important, help to produce a very different impression from that of Westminster.

237. Orderly conduct of discussion has been the rule everywhere. Members of the Statutory Commission had the privilege of attending several debates in more than one province. We were much struck by the good attendance of members in the Chamber, by the high level of courteous speech, and by the respect shown to the Chair. The public galleries were well filled, and the proceedings were obviously followed with much interest. The provincial councils owe much to their Presidents. There have been striking instances in the provinces of the impartiality of elected presidents previously belonging to a party in opposition to Government.

Lack of organisation among the groups in the Councils has created difficulties, and wasted much time, especially in connection with the discussion on the demands for grants, when the allotted time has often been exhausted long before many items have been reached. The absence of procedure for bringing to a close discussion on Bills (as opposed to demands for grants) has frequently embarrassed Governments faced with an enormous number of individual amendments. Lack of well organised parties with a definite programme has also been a contributory cause of the fault of attempting to interfere overmuch in the details of administration, instead of concentrating on questions of general policy. But in all the councils there seems to be distinct improvement in these respects as parliamentary experience grows. An interesting feature is that members of the provincial councils are becoming thoroughly familiar with the use of the transferable vote for electing committees under proportional representation.

Standing Finance Committees have played an important part, as will be explained in Chapter 6 of Part V, where reference is also made to the Public Accounts Committees.

Many of the branches of the administration, in one province or another, have had attached to them standing advisory committees wholly or mainly composed of members of the legislature; but it does not appear as if these had played any very conspicuous role.

Attitude of Legislatures to Law and Order.

238. It is of importance to note the attitude of the councils to what is commonly referred to as "law and order." In most provinces the police administration has been the target of constant attack, sometimes of a general character, but often directed against specific individuals or the handling of particular incidents. Its defence has almost invariably been left solely to speakers on the Government bench. This hostile attitude, though not entirely absent anywhere, seems to have been most strongly developed in Bengal, the Central Provinces and Bihar and Orissa. In Bombay it is said that there was no desire to embarrass Government in this sphere. The Madras Council has supported the Executive in the preservation of order, and in the main this is also true of the Punjab Council, though it has been very active in criticism of the police. The United Provinces Legislature, also unsparing in criticism, has had, in voting supply, sufficient sense of responsibility not to use its powers in a way which would threaten to cripple police administration.

Use of Governor's Special Powers.

239. We have mentioned the natural reluctance to have recourse to the special powers of certification and restoration conferred on the Governor or the Governor in Council. It is a striking fact that the only instance in which a Governor has found it necessary to secure the passage of a provincial Bill by certification is the Bengal Criminal Law Amendment Act.

On a few occasions a Governor has returned a Bill for further consideration with useful results;* and there have been two or three instances of the use of the veto,† but none of these occasions had any special constitutional significance.

The powers of restoration of rejected demands for reserved subjects have been fairly frequently used, with the notable exception of Bombay where the Government has always found it possible to accept the reductions made by the Legislature. In Burma, too, the power has only been used once. But in 1924-25 in the Central Provinces, as in Bengal, demands for grants were rejected wholesale, as part of the wrecking policy of the Swarajists, and had to be restored. Frequent, though not extensive, use of restoration has been necessitated elsewhere by the too common practice of rejecting a demand for a

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* The most important cases are the Madras Religious Endowments Act and the Oudh Rent Act.

† e.g. Malabar Tenancy Bill and Calcutta Municipal Amendment Bill.

grant, instead of only moving a token reduction, as a means of attacking Government in connection with some particular branch of administration on the reserved side. Such attacks were undoubtedly often pressed home in a manner that the council would have hesitated to adopt if it had not known that the reserved powers could and would be used to prevent breakdown. But where "cuts" were moved and carried for the purpose of securing economy, Government has frequently accepted the reduction.

Rejection of demands on the transferred side (which could not be restored) have been less frequent. When they have occurred, they seem to have been usually directed by a desire to effect economy. In Bengal in 1924-25 the Swarajists succeeded in carrying considerable "cuts" relating to staff in the education and medical departments; but the council subsequently voted supplementary demands, when it found that the staff had been placed under notice.

It will be remembered that the Governor also has an emergency power of authorising expenditure, whether the subject is transferred or reserved. To a slight extent in Bengal, and on a large scale in the Central Provinces, this power has been used in connection with transferred departments in order to reverse a decision of the legislature. In the United Provinces and Madras, however, it has been found convenient to employ it fairly frequently for comparatively small amounts of expenditure arising out of unforeseen circumstances such as floods. Elsewhere it has not been used at all.

240. It is plain that nothing but absolute necessity for carrying on administration has evoked the use of special overriding powers and that the occasions for their use (though not unimportant) have been sporadic and limited, except in Bengal and the Central Provinces where they have at times had to be used in a wholesale manner. Outside these two provinces, Government and the legislature have usually agreed, or at any rate have not finally differed. But it is less easy to say whether provincial Governments, in being guided normally by the wishes of legislatures in which they did not command any assured majority, have been seriously hampered in their conduct of affairs.

Nature and Volume of Legislation.

241. Leaving out of account Bengal and the Central Provinces, most of the Government Bills of any importance which were thrown out were proposals for fresh taxation.* But the motive for rejection was often a genuine belief that further economy could be effected or a feeling (often shared by the provincial Government itself) that the proper way to secure fresh resources was to get the "provincial contributions"

* Not all such were refused, see para. 400.

abolished. Instances of the rejection of important Government Bills not dealing with finance are the Bihar Civil Courts Amendment Bill, 1926, and the Madras Irrigation Bill, 1923.

Again excepting Bengal and the Central Provinces, where legislative activity was for a time paralysed, the output of the councils in the legislative sphere has been considerable. The subjects dealt with range over the whole provincial field, but the number of Acts concerned with local self-government administration is specially noticeable. A large number of private Bills* were brought forward, but comparatively few reached the statute book.

Conclusion.

242. The previous paragraphs of this chapter provide material for forming a judgment on the working of the provincial constitution, but a general conclusion on the subject is not easy to express. This is largely due to the fact that the same form of government has produced very different consequences in different parts of India—witness, for example, the chopping and changing in Bengal, with ministerial salaries voted and no Ministers to earn them, and with the Governor driven to take over transferred departments himself for months at a time, as contrasted with the steady record of Madras or the Punjab. But there are some general features to be summarised in bringing our survey to a close. Everywhere the conduct of the business of the legislatures has been carried on with keenness, there has been much good debating, and the Government has been exposed to considerable challenge and comment from its opponents among the elected members. It would be impossible to say that opposition to Government has always shown itself to be restrained or reasonable, but we are convinced that much of this irresponsible spirit is due to those effects of dyarchy which we have described and analysed in paragraph 235 above. Moreover, members of legislative councils have been engaged in working a copy of parliamentary institutions under conditions which often tend to reproduce the form rather than the substance of the original. It is much to the credit of many of India's public men that they should so rapidly have adapted themselves to these new methods, and we are strongly of opinion that the prominence which is given in the Press to proceedings in the Central Legislature have tended to obscure to British eyes the very general measure of success which has been attained by most of the provincial councils and their real importance. If the councils have sometimes shown themselves indifferent to the practical needs of administrative efficiency, they have also in many instances exerted a useful influence, and thrown an informing light upon the proceedings of Government. The average voter, and still more the average citizen, does not, we

* i.e. bills originated by non-official members, outside the Government; private bill legislation in the British sense does not exist.

believe, as yet pay close attention to the activities of his representative. But interest is growing. In two provinces the Governor has often found it necessary to make extensive use of his exceptional powers; but apart from this the reformed provincial councils have actually worked, and they have worked better certainly than many anticipated at their inception, though not entirely in the manner in which the authors of dyarchy intended.

CHAPTER 3.—THE WORKING OF THE CENTRE.

Difficulties of Direct Representation.

243. The difficulties of applying the Western system of parliamentary government to an area so vast and so diversified in its population as British India are very clearly illustrated in the Indian Legislature. It embodies an effort to provide in a central deliberating and legislating organ for the adequate representation of 247 millions of people with many divergent and often antagonistic interests. Constituencies electing directly to such a body (unless it is to be enlarged to a point at which practical work becomes impossible) must cover areas and include populations to which European legislatures are strangers. Let us illustrate the contrast. Yorkshire, with an area of slightly over 6,000 square miles and a population of just under 4¼ millions, is represented in the British Parliament by 57 members. To take a corresponding area of a distinctly rural character, the four counties of Lincoln, Norfolk, Suffolk, and Rutland amount to just over 6,000 square miles, and contain a population of 1½ millions; the combined area returns to Parliament 23 members. Now, the Indian Legislative Assembly contains 105 elected members, of whom 73 are returned by rural constituencies. And the rural constituencies returning a single member to the Assembly are *nowhere* less than 6,000 square miles in area. An M.L.A. would be indeed fortunate were his charge no larger: the figures supplied to us show that, among the non-Muhammadan rural constituencies, there are only 4 with an area between 6,000 and 7,000 square miles. The rest range between the latter figure and 62,000 square miles, with populations reaching in individual cases to as much as 6 millions. The three Muhammadan rural constituencies in the Madras Presidency, each returning a single member, cover 10,000, 48,000, and 83,000 square miles, i.e., they are about half as large again as Wales, Scotland and England respectively. A constituency taken at random from Madras contains 25,033 voters scattered amongst a population of 6 millions spread over an area of more than 31,000 square miles.

The Difficulties of Distance.

244. The inevitable result is a divorce of the representative from the life of his constituency. To sit in the Central Legislature, a Madras representative may have to face a railway journey of 60 hours to Delhi and of 78 hours to Simla. Members from Burma have to travel over sea and land for nearly a week. While the two Houses are in session, members, except a few from areas immediately adjacent to Delhi and Simla, are more or less cut off from their constituencies. As a rule, little attempt is made to overcome the physical difficulties in the way of maintaining touch with constituencies, and once a member is elected,

his interest in his constituents fades until the time approaches for him to canvass their votes again. The idea of a member's responsibility to his constituents is, in rural areas, still rudimentary in character. The member tends to become less the representative of his constituency than of active political or communal associations with which he is in intimate contact, and his views are moulded largely by a Press which is almost wholly in opposition to the Government. One weakness of the present system seems to us to be that it makes it so difficult, and often impossible, for a member to establish relations with his constituents, which entitle him to speak for them, and enable them to hold him to account.

The Central Electorate.

245. Another difficulty in constituting a satisfactory central legislature is presented by the smallness of the central electorate and by its general character. The electoral roll of the Assembly has, it is true, grown, on a stationary franchise, from 904,746 in 1920 to 1,128,331 in 1926. This rise has in the main been due to the inclusion of Burma within the reformed constitution, to the enfranchisement of women, and also, possibly, to an increase in wealth and to the better registration of voters. As regards the electorate for the Council of State, between 1920 and 1925, the years of the two quinquennial elections which have so far taken place, the increase was from 17,644 to 32,126, and of this latter number, Burma provided no less than 15,555.

Thus, in the Legislative Assembly, 105 elected members are returned by $1\frac{1}{8}$ million voters.* If we exclude areas not represented by elected members, this electorate of $1\frac{1}{8}$ millions is scattered over a population of 240 millions.† We doubt whether even this limitation of the electorate has succeeded in producing—at any rate outside some of the large towns—a body of voters capable, to any appreciable extent, of understanding, or even being intelligently interested in, most of the policies on which the Assembly has to pronounce. What we have said, of course, has no reference to special constituencies, such as Chambers of Commerce, and applies particularly to the rural voter. The voter's appreciation of some issues raised in the provincial councils is, we think, more general.

The comparatively small electorate has, however, shown a progressively increasing readiness to go to the polls. How far this is due to a genuine advance in political interest and how far to other causes it is impossible to determine. The decline of noncooperation after 1922 removed an influence that had kept many electors from voting, and although, in the main, pressure by

* In the Council of State (if the two representatives from Burma are excluded), 32 members are elected by 17,000 voters.

† This excludes the population of such of the Chief Commissioners' provinces as are not represented by election, and also those portions of the "excluded areas" in which there is no electoral system.

candidates has been the factor of importance in inducing the country elector to vote, there has undoubtedly been some growth of genuine political interest. In 1920, 25 per cent. of the Assembly electorate in contested constituencies went to the polls. This percentage increased to 42 per cent. and 48 per cent. at the two succeeding elections, despite the abstention of large numbers of Burmese voters. The Council of State electorate voted to the extent of 45 per cent. and 55 per cent. in the 1920 and 1925 elections, and here again Burma lowered the general average very considerably.

In Burma alone, have the elections for the Central Legislature appeared to rouse little enthusiasm. Even in 1926, when interest in elections for the Assembly was fairly general and party feeling ran high, only 13 per cent. of the Burmese electorate voted. For the Council of State, only 5 per cent. of those qualified voted at the 1925 election. The Central Legislature's remoteness, and the feeling that Burma is powerless to obtain a sympathetic consideration of her special interests in a body in which her representatives are so few, are, we believe, partly responsible for the lack of interest in elections for the Central Legislature.

Women Voters for the Assembly.

246. No woman is entitled to sit in the Council of State, or to vote for election to it. It is open to the Council of State by resolution to remove either or both of these barriers, but it has shown no inclination to do so. Women are eligible to stand as candidates for Assembly constituencies in any province where they might be elected to the provincial legislature, i.e., in seven out of the nine provinces. Bengal and Assam are the two exceptions. In provinces where a woman is qualified to be a candidate, she is also qualified to become a nominated member of the Assembly, but so far no woman has sat in the Assembly, either by election or nomination.

In 1926, when the last Assembly election was held, 22 per cent. of the women with votes in Madras, 12 per cent. in Bombay and the Punjab, 9.6 per cent. in Bengal, and 4.5 per cent. in the United Provinces voted. This is by no means an unpromising beginning in view of the fact that, in many provinces, women are only just emerging from the seclusion which has been their lot for generations. There is, however, a striking disparity between the numbers of male and female voters. In Madras, where the total number of Assembly voters is 277,582, the women voters number only 18,375. In Bombay, the United Provinces, and the Punjab, the corresponding figures are 159,418 and 4,404, 194,458 and 6,071, and 82,929 and 2,065 respectively. The fact that the franchise is based on a property qualification operates heavily against them. The women members of an Indian family have as a rule no independent ownership of property.

The Legislature in Session.

247. The session of the Indian Legislature usually opens at Delhi at the end of January or in the early days of February, and continues there for about two months. It is during this Delhi session that the Finance Member presents his Budget, and the discussion of the Finance Bill takes place. In April, the climate of Delhi begins to get uncomfortably hot, and the Government of India moves to Simla. The sittings of the Indian Legislature are resumed there in the later part of the year, usually in August and September, and ordinarily cover several weeks. An Indian member, therefore, whether of the Legislative Assembly or of the Council of State, has not so continuous a call upon his attendance as a British member of Parliament. Even so, it appears to be difficult to keep Indian members in full attendance throughout the session, though on important occasions the proportion of those present is extremely high. Payment of members takes the form of a compensatory allowance for the period of the member's absence from his home.

We have had the privilege of witnessing sittings of both branches of the Indian Legislature at Delhi. The time of meetings is in the forenoon, and the hour of adjournment (over which the President appears to have a much greater power of control than exists at Westminster) is usually reached by 4 or 5 o'clock. As there is an adjournment for luncheon, and all-night sittings are unknown, British members of Parliament may be excused a feeling of envy. The Chamber is arranged after the usual continental model, with a desk for each member; the whole in the shape of a horseshoe, broken up into wedges of seats by gangways. Members of the Government sit on the right of the Chair, with the official bloc behind them; various minority and moderate groups range themselves more in the centre; for example, the Central Moslem Party and the European contingent. On the extreme left of the Chair, the leader of the largest party and his followers establish themselves—when the Swarajists are present, they now occupy this position. The members belonging to what are known as the Nationalist Party and the Independent Party are established in adjoining sectors. In the Council of State, the same general arrangement prevails. Members speak from the places where they sit, and, when a division takes place, move into lobbies, as at Westminster.

The composition of the two Houses, including official members, at the time of our visit to Delhi in 1928 was approximately as shown below :—

	Hindus.	*Moslems.*	*Europeans.*	*Depressed Classes.*	*Other Minorities.*	*Total*
Council of State.	21	17	16	nil.	6	60
Assembly ...	70	38	25	1	11	145

Communal grouping, which has often affected the voting in the Legislature, gives some explanation of the unexpectedly strong position in which Government has frequently found itself.

The Assembly, as the popular body, receives a preponderating measure of notice in political circles and in the Press, and a large proportion of the leaders of political opinion in the country are members. Its general atmosphere differs greatly from that of the Council of State. Antagonisms are sharper, debates more acrimonious, and work generally more strenuous.

The Council of State represents the more conservative elements in the country and, in particular, sections of society which have most to lose by hasty and ill-considered legislation. It is not surprising, therefore, that it has taken a different view on many questions from the Assembly, which regards itself as representative of progressive political opinion. Between 1921 and 1928, on no less than five occasions the two Chambers reached, at any rate in the first instance, different conclusions on the Government's Finance Bills. On nine other occasions, the Houses have been at variance on legislative measures. The relations between them have discouraged attempts to make them act together, though statutory provisions for such joint action exist. On 18 occasions only, have Joint Committees been appointed, and there has never been a joint sitting of the two Houses.

The Contrast with Westminster.

248. The first essential for a correct understanding of the relations of the Central Government with the Central Legislature in India is to divest the mind of analogies drawn from the British parliamentary system. A British Cabinet can only survive so long as it has the support of a majority in the House of Commons. The Central Executive in India—the Governor-General in Council—is, on the other hand, entirely independent of, and, indeed, can seldom count with confidence on, a majority in the Indian Legislature. Yet no defeat can drive its Members from office, and the statutory powers of the Governor-General or the Governor-General in Council are sufficient to prevent opposition from bringing administration to a standstill. Again, the Opposition in the British Parliament has always before it the prospect of a return to office, when it will itself bear the burden of administrative responsibility and have to justify its former declarations. The position in India is very different. The Opposition's opportunities for criticism and its powers of influencing the course of legislative and administrative business are extensive. But it cannot be vested with responsibility for the administration and thus be called on to reconcile its criticisms with the requirements of actual government. Such a constitutional system might be supposed to have led to wholly irresponsible criticism from the Legislature and to complete indifference in the Executive. But the course of development has

been otherwise. On the one hand, while the attitude of the Assembly has often been strongly influenced by its constitutional irresponsibility, it has co-operated with Government in a good deal of constructive work. On the other hand, the Executive has been far from unresponsive to the criticism and to the suggestions of the Legislature.

The Presidential Chair.

249. In nothing is the contrast between Westminster and Delhi more striking than in the position assumed, and the influence exercised, by the occupant of the Chair of the Assembly. He claims, and employs, powers of interference which would be quite contrary to the stricter limits of the Speakership—reprimanding a government member of the Council of State for not attending and speaking at a debate in the Lower House, advising the Government not to proceed with important business when the Swarajists walked out, explaining his view of the proper operation of the so-called Fiscal Convention, and so forth. We are bound to make plain the difference, lest it should be supposed that the traditions and the methods of the Speaker of the House of Commons were being reproduced in the Indian Legislature. The explanation of the contrast, we venture to think, is not unconnected with the fact that, whereas in the House of Commons there is always a government majority which may be depended upon to support the authority of the Speaker, any majority upon which the President of the Assembly may be disposed to lean, is necessarily found in the ranks of the Opposition. It is not to be presumed or expected that the spirit of British parliamentary institutions can be transplanted and reproduced automatically in so different an atmosphere, and there are many other models for the Speakership besides the model at Westminster. Lord Bryce described one in his book on the American Constitution, and the student of comparative institutions may find there a much closer parallel to the practice of the President of the Legislative Assembly.

Grouping in the Assembly.

250. There is nothing in the Indian Legislature which corresponds to the working of a party system, as that expression is understood in Britain. In view of the methods by which the Legislature is constituted, nothing else could be expected. Parties in the Lower House are predominantly communal groups. The aim of the Swarajists has been to create an inclusive political party, formed on national lines, and not in terms of religion, sect, or community. This attempt, however, has left the traditional religious cleavage of Indian society in the main untouched, and this cleavage constantly shows itself in debate and in voting. The Swarajists are predominantly Hindu. The

Nationalist Party is entirely drawn from the Hindu community. The Central Moslem Party is entirely Muhammadan, and we believe that the Independent Party is now predominantly so. We shall, in a later chapter,* attempt a description of the course of Indian politics in the light of the Reforms, but without at present referring more closely to the course of events, it is enough to say that the impression produced upon the mind of an observer familiar with the British Parliament is not so much one of resemblance as one of difference. Groups form and re-form, but so far as its pledged supporters are concerned, the Government is in a permanent minority, and this affects the whole tone of debate. It may, and often does, carry a division by a combination of minority groups, but whenever political or racial feeling runs high, the majority of elected members will usually be found on the opposition side.

The Official Bloc.

251. The official bloc of 26 members has throughout been regarded as under the orders of Government; it has never been found practicable to adopt the proposals of the Joint Report that officials should be allowed a free right of speech and vote, though the control has on occasion been relaxed in the case of provincial official members. The influence of this official element has been exerted in more ways than one. A solid block of votes cast definitely for Government has not only had on many occasions a decisive effect on divisions in the two Houses, but it has often helped to rally to the support of Government elements which would have hesitated to support a cause which had not the strong nucleus of supporters afforded by the officials. The contribution in debate, which their experience has enabled official members to make on measures affecting the administration, has been substantial. Finally, the provincial official members have sometimes expressed the special views of the Governments of their provinces. But for the most part their membership of the Assembly is valuable to the authorities because it constitutes part of the official vote.

There is a natural tendency for nominated members to support the Government which has selected them for membership of the Legislature, and we have heard the suggestion made that, if a nominated member opposed Government in season and out of season, he would be likely to be passed over when his place came to be refilled in the new House. But our own impression is that nominated members have, as a rule, exercised a free judgment and have endeavoured faithfully to represent the interests committed to their charge. It is certainly the fact that some nominated members have been found quite as frequently in the opposition as in the Government lobby. The com-

* Part III. Ch. 6.

pact European group of nine members has lent Government a discriminating support, and the Central Moslem Party has been generally disposed to cast its weight on the side of Government.

Government Legislation and Resolutions.

252. Up to 1928, no less than 199 Government legislative measures were passed by the Assembly, five were either rejected or withdrawn and were not considered of sufficient importance to call for the exercise of the Governor-General's overriding powers, while only four (two being the Finance Acts of 1923 and 1924) which were rejected, had to be certified. No Bill has been certified since 1925.

The bulk of the measures passed referred to amendments of the Civil Law, and were of subsidiary interest, but important fiscal, industrial, commercial, labour, currency and banking legislation was also passed. It was chiefly in the field of Criminal Law that the Assembly showed itself definitely antagonistic, regarding jealously any proposals to arm the Executive with wider powers.

Between 1921 and 1928, 95 Bills were introduced by private members. Of these, 49 related to the Civil Law, 19 to matters connected with Law and Order, and only 7 dealt with social matters. The inevitably restricted facilities for non-official legislative business resulted in a large number of these private Bills lapsing. Only 15 were passed, and it is worthy of mention that 5 private measures, which passed the Assembly despite Government opposition, were rejected by the Council of State.

Not infrequently, Government has had recourse to moving Resolutions in the Legislature with the object either of ascertaining its attitude towards public matters of outstanding importance or of indicating the lines of proposed legislation of an important nature and canvassing support for it. On 57 occasions, Government consulted the Assembly in this way, and in only 8 cases was the decision opposed to the Government view.

In the Council of State, Government has been able to rely on support on all crucial questions. Except for a small Swarajist group, the Council of State has no political parties comparable to those in the Assembly, and purely partisan considerations bulk less largely in its consideration of measures. Government has often been able to rely on the Upper Chamber to redress the effects of precipitate decisions taken in the Lower House.

The Power and Influence of the Legislature.

253. But while the extent of Government legislation and the success in carrying it through without certification is noteworthy, the influence exercised by the Legislature on the Executive is no less remarkable. It has been directly exercised in three ways, firstly through putting questions to Government and the

moving of resolutions; secondly, through the financial power which the Assembly possesses over votable items in the Budget; and thirdly, through the work of standing committees. We will consider each of these in turn.

(i) Questions and Resolutions.

The use of the power of interpellation has been steadily and effectively developed. At the outset, a marked tendency manifested itself to use this right to ventilate individual grievances or advance individual claims, but with growing parliamentary experience has come a perception of the true purpose of "question time." It is being more often used to draw attention to matters of real public importance, and Government action has repeatedly been influenced by such questions. As a method of bringing influence to bear on Government, resolutions offer greater scope for argument and discussion. Both Houses have employed this method freely. Of the 91 divisions which took place in the Assembly on non-official resolutions before 1928 (subsequent figures have not been furnished to us), 51 went in favour of Government and 40 against it. The extent of the influence exerted in this way can be realised by a reference to some of the matters set in motion by non-official resolutions. The adoption of a fiscal policy of "discriminating protection," the statutory recognition and regulation of Trade Unions, the repeal of certain laws arming the Executive with special powers in emergencies and of the Press Act, the abolition of the excise duty on cotton, and the constitution of an Indian Territorial Force may be cited as topics on which the Assembly expressed its wishes by means of resolutions, and Government took action accordingly. Government gave full effect to 37, and partial effect to 36, non-official resolutions passed by the Assembly. Only in 32 cases was no action taken as a result of such resolutions. Among them are cases in which the Government had not the power to do what it was asked to do. The corresponding figures for resolutions of the Council of State to which effect has been given fully, partially, or not at all are 32, 24 and 19.

(ii) Use of Power over Finance.

We turn now to the use made by the Assembly of its financial powers. The three Assemblies since 1921 have differed greatly in this respect. The first was faced with a series of deficit Budgets. It therefore concerned itself with trying to secure retrenchment, and being debarred from touching the non-voted items (which formed so much of the expenditure), often made disproportionate "cuts" in the provision under those heads which lay within its power. The cuts made in the first two Budgets, of 129 and 95¾ lakhs respectively, were accepted by Government. In 1923, however, the Governor-General in Council restored the provision of Rs. 114 lakhs for railway annuities,

which the Assembly had cut out of the Budget, in pursuance of its wish to see the sum transferred from revenue to capital account, and also the sum of Rs. 3 lakhs for the Public Services Commission, eliminated by the Assembly because it disapproved of its appointment.

The attitude of the subsequent Assemblies differed greatly from that of the first. In 1924, the Swarajists, pledged to wreck the Government, succeeded in rejecting demands amounting to 4¾ crores. All these were restored by the Governor-General in Council. The third Assembly has made a less wholesale use of its powers. After registering its political protest by throwing out certain major votes, it has with a few exceptions generally contented itself with token "cuts", with the object of drawing attention to specific grievances. The natural disinclination of the Executive to use extensively the power of restoration has on occasion, and to a limited extent, enabled the Legislature in effect to reduce non-voted expenditure. That is to say, the Government has avoided being forced to proceed to extreme measures on the voted items by agreeing to cut down its non-votable estimates. When political considerations have receded into the background, the Executive Government and the Assembly have found it possible to agree on a common policy in the pursuit of economy.

(iii) Standing Committees.

Two Committees form part of the machinery of the Assembly, and, through them, it exercises an important influence. The first —the Standing Finance Committee—consists of 14 members elected by the Chamber, with the Finance Member of Government as Chairman. Its principal function is the scrutiny of the Government's proposals for new items of votable expenditure. It is an advisory body, but the Executive has never persisted in presenting to the Assembly demands for supply against which the Committee has recorded its advice, and the Assembly has never directly dissented from its view.

The other committee is the Committee on Public Accounts. It is empowered to deal with the auditing and appropriation of the accounts of the Governor-General in Council, and its duty is to satisfy itself that the money voted by the Assembly has been spent within the scope of the demands granted by the Assembly. Its activities have been recognised as extending to non-voted, as well as voted, expenditure. Eight of its members are elected by the Assembly and three nominated by the Governor-General. The Finance Member is *ex-officio* Chairman.* Its scrutiny of expenditure is jealous and detailed, and it has notably enlarged the authority of the Assembly.

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* See Part V for a fuller account of the structure and working of the Standing Finance Committee and Public Accounts Committee, paras. 425 and 429 below.

The Joint Select Committee made the definite suggestion that it might assist the political education of India if standing committees of the Legislature were attached to certain departments of Government, for consultative and advisory purposes.

It has not been found possible in all departments to constitute such committees, and the difficulty of assembling them has militated against their use. But in some cases, e.g., the Standing Committee on Emigration and the Central Advisory Council for Railways, they have proved of real assistance to the departments concerned. Not only have they been effective interpreters of public opinion to the Government, but a closer acquaintance with the difficulties of Government has on more than one occasion provided the latter with unexpected champions in the Legislature.

Indirect Influence of the Assembly.

254. The indirect influence of the Assembly on the Government has been of still greater importance. Its extent is hardly realised by the members themselves, who are inclined to lay stress on the theoretical irresponsibility of the Executive. In practice, as officials themselves have borne witness, the Government is greatly influenced by the contact of its Members with the elected representatives. Sir William Harcourt once declared that "the value of political heads of departments is to tell the officials what the public will not stand."* Under a pure bureaucracy, officials are apt to make a fetish of efficiency and to fail to give due place to the importance of acceptance by the governed of the proposals of the rulers. This weakness can be best counteracted by close contact with the unofficial mind. We believe that the members of the Central Legislature have performed this useful function, and that their influence has often been beneficial. Further, it is important to remember that the existence of a popularly elected legislature not only operates to amend government measures after their introduction, but has much effect in deciding what measures should be introduced. Again, the existence of a body of unofficial persons with powers of interpellation sets up in the Administration itself a spirit of self-criticism and a desire to avoid occasion for censure.

* Life of Sir Wm. Harcourt, (A. G. Gardiner) Vol. II p. 587.

CHAPTER 4.—CENTRAL CONTROL OVER PROVINCIAL MATTERS.

255. The separation which the Reforms effected between central and provincial duties in no wise affects the responsibility of the Central Government for the financial and administrative stability of India as a whole. The provincial Governments state that the large independence of the Centre which they have acquired, has resulted in a great decrease of correspondence with Delhi and Simla. But the responsibilities of the Government of India involve that it should be kept informed of all important matters connected with the government of the whole country, even when primarily of provincial concern. The obligation to supply information to the Governor-General in Council is imposed by statute, and again more precisely by rule, on both halves of provincial Governments.* Certain central subjects again are of such a nature as to have little meaning (so far as Governors' provinces are concerned) apart from the administration of provincial subjects—for instance, "statistics" and "All-India Services." The proper discharge by the Centre of its responsibilities in such subjects, therefore, seems to require the power of issuing orders to both halves of provincial Governments. But difficulties have arisen in the exercise by the Centre of its responsibilities for All-India officers serving in transferred departments. An essential function of the Centre, which must invade the whole provincial sphere in both its reserved and its transferred parts, is "External Relations". The adherence of the Indian Government to conventions of the League of Nations and the International Labour Office has involved obligations, financial as well as administrative, on the provinces, principally in transferred departments. The Government of India has, of course, made it a practice to consult all the provinces before undertaking such commitments. But it has neither disguised the fact that it must retain freedom to override their objections, nor admitted its obligation to consult them in all cases. The principle has here been established that the responsibility of the Centre for central subjects prevails over the restrictions which have been placed upon its powers of control over provincial transferred subjects.

256. The obedience which provincial Governments must render to the Centre is restricted only in the transferred sphere. So far as the official part of the provincial Governments is concerned, it is complete. Official nominated representatives of the provincial Governments in the Central Legislature have not, as a rule, been permitted to vote against the Central Government, though certainly on one occasion, when the Government of India's policy on provincial contributions was under discussion, they have both spoken and voted against it. But, in

* Section 45 of the Act and Rule 5 of the Devolution Rules.

practice, the power of control possessed by the Government of India over reserved subjects is qualified, for the reason that even in the reserved sphere provincial Governments must do their utmost to act in co-operation with the legislatures. Thus the Government of India, on one occasion, asked the Government of the United Provinces to reform its jail administration; but when it appeared that the provincial Legislature would not vote the heavy expenditure which this reform would involve, the Central Government did not proceed to the extreme of insisting that the necessary funds should be demanded from the Legislature and, if necessary, certified by the Governor.

The form in which the Government of India has couched its communications to the provinces is invariably one of advice and suggestion, and not of command. It might appear, therefore, that it paid no respect to the distinction which exists between its powers in reserved and transferred subjects. But this is not so. The provinces are well aware that, though they may fully represent their point of view, they must bow to the decision of the Centre in reserved subjects. The tradition of obedience extends also to the administration of transferred subjects; though here it might be better expressed as a readiness to fall in with the policy of the Centre, in default of strong reasons to the contrary. This is indeed the basis on which the co-ordinated government of India proceeds. The Central Government has no inspecting agency of its own. It relies entirely upon its inherent authority, on the written word, and on the presumption that the provinces will implement its policy to the full extent of their capacity.

Control in the Reserved Field.

257. The control which the Centre possesses over the official part of a provincial Government is exercised most fully and constantly in the sphere of "law and order." The Home Department of the Government of India controls the central Criminal Investigation Department, which depends for its information and for assistance in carrying out its duties on the Criminal Investigation Departments of the provinces. The Home Department is, as we have seen, charged with the general responsibility for internal affairs. It follows all political movements and notes any serious incidents. It has to watch the indications of industrial and inter-communal unrest, and endeavour to keep itself informed of seditious and revolutionary propaganda and crime. It lays down, after consultation with the provinces, the general lines of policy which the provincial Governments are expected to follow when such incidents occur. It frequently makes such suggestions as seem to be called for, and these the provinces naturally accept unless they see some very clear reason to the contrary. It has, from time to time, directed prosecutions to be instituted for seditious crimes which it considered to be of All-India importance. It has called the

attention of provincial Governments to the risks attendant on reduction of their police forces, to the state of crime in a province, to delay in the disposal of criminal cases, and to overcrowding in jails. It has issued instructions on the treatment of certain classes of persons in prison and on the censorship of films. In land revenue, on the other hand, the control of the Government of India has been limited to the necessities of its own interests and responsibilities. It has, as might be expected, promulgated, with the authority of the Secretary of State, rules regulating the transfer of public land and buildings between itself and the provinces. In the purely provincial sphere, it has limited its supervision principally to securing that provincial finances should not be detrimentally affected by large alienations of land or land revenue, or wide departure from the accepted principles of assessment.

It appears that only in one case, when suggestions were made of inefficiency in the administration of a provincial reserved subject, has the Government of India instituted an enquiry in exercise of its powers of superintendence, direction and control. In this instance, a Committee was appointed to enquire into the Bombay Back Bay reclamation scheme, but—it is important to add—this was done at the request of the Bombay Government, and rather with a view to securing an impartial verdict on the performance of their duties by the officials and employees of the Bombay Government, than on the policy of that Government itself.

The Co-ordinating Power of the Centre.

258. The part which the Centre plays in the administration of provincial reserved subjects is a matter of discretion and so principally of administrative working. The part which it plays in transferred subjects is of greater constitutional interest. It will be understood, of course, that the Government of India could not interfere, and has, in fact, never attempted since the Reforms to interfere, to secure improvement in the administration of transferred subjects—as for instance to promote an increase of literacy in a particularly illiterate area. The authority which it exercises is of a different nature. It is largely based on realisation of the fact that progress in any one province may depend upon the co-operation of adjoining provinces, and that co-ordination is best secured by central action. There have thus taken place at Delhi and Simla conferences attended by provincial Education Ministers and Directors of Public Instruction, and provincial Excise and Agricultural Ministers, as well as by Inspectors General of Police and Jails, and by Finance Members. This has been found a most satisfactory method of pooling experience or initiating a joint policy. It is natural for such conferences to be held under the auspices of the Central Government, and for that Government to help in the enforcement of any decisions reached.

The co-ordinating power of the Centre, which arises naturally from its position, is well recognised in the constitution. Among central subjects are "central agencies and institutions for research." The Government of India's research institutes such as the Agricultural Institutes at Pusa and Coimbatore, the Veterinary Institute at Muktesar and the Forest Research Institute at Dehra Dun are well known and have achieved remarkable results.* At first, the provinces seem to have shown some disinclination to resign their control of research institutes to the Centre. The Bombay Government, for instance, contended that sugar-cane research should be conducted by that province, since "agriculture, including research institutes" was a provincial subject, but the general tendency since the Reforms has been to extend the co-ordinating power of the Centre more widely into the transferred field than was contemplated when the Act and the Rules under it were framed. The Indian Central Cotton Committee, constituted in 1921 and given statutory powers in 1923, concerns itself with all questions arising out of cotton-growing from the field to the factory, and has been remarkably successful. Two more recent instances of this tendency may be given here. As the result of the recommendation of the Linlithgow Commission, the principle has been accepted that

> "It is the duty of the Government of India, in the discharge of their ultimate responsibility for the welfare of the vast agricultural population of this country, to advance research in every possible way without encroaching upon the functions of provincial Governments in that sphere."†

The Government of India has decided, in accordance with this principle, to constitute a central Council of Agricultural Research, consisting of a governing body and an advisory council. The provincial representatives on the governing body are the provincial Ministers for Agriculture. Again in 1927, a Committee was appointed of members of the Central Legislature (the Indian Road Development Committee),

> "to examine the desirability of developing the road system of India, the means by which such development could most suitably be financed and to consider the formation of a Central Road Board for the purpose of advising in regard to and co-ordinating the policy in respect of, road development in India."‡

This Committee did not, in fact, advise the appointment of a Central Road Board, but recommended that road conferences, at which provincial Governments should be represented, should be convened periodically by the Government of India. One such conference has already been held and, in addition, a Central Standing Committee on Roads has been appointed to advise the Government of India on road matters.

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* See Report of Royal Commission on Agriculture paras. 26 and 262.

† Government of India Resolution of 23rd May, 1929.

‡ Government of India Resolution of 3rd November, 1927.

The giving of advice to provincial Governments is an important function of all those central offices which exist primarily to discharge some responsibility of the Central Government, such as those of the Inspector General of Forests and the Public Health Commissioner to the Government of India. The sphere of the latter officer's duties have been defined as (1) research, (2) medical qualifications, (3) port quarantine, including all international obligations under international conventions as regards disease, and (4) the prevention of the spread of disease over India, for instance in connection with pilgrimages. These duties can, of course, only be discharged in conjunction with the provincial Ministers for Public Health. Again, there has recently been created a Central Board of Irrigation, which consists of the provincial Chief Engineers and the Consulting Engineer to the Government of India. It has advised the Government of India on those important irrigation projects which are submitted by the provinces for the sanction of the Secretary of State, and upon the rival claims by the Governments of Bombay and the Punjab to the waters of the Indus for irrigation purposes. It is also available to advise the provincial and central Governments generally on other irrigation matters.

The co-ordinating power secured to the Central Government by the device by which certain provincial matters are made subject to central legislation, covers a wide category of provincial activities, including (among others) the borrowing and taxing powers of local self-governing bodies, factories, labour questions, infectious and contagious diseases of men, cattle and plants, and standards of weights and measures. Legislation in these subjects has, in practice, been central rather than provincial. The enactments regulating industrial matters which the Central Legislature has passed since the Reforms—a new Indian Factories Act, a Trade Unions Act and a Workmen's Compensation Act, for instance—form a large and comprehensive body of law. Thus, while the administration and enforcement of these enactments is wholly provincial, their working is watched by the Central Government, which keeps itself informed by the continual exchange of communications, by conferences and by tours which the Members of the Government of India and their technical experts make throughout the provinces.

We shall indicate in Volume II the extent to which we consider that the Centre should be given power to insist on provincial Governments affording the measure of co-operation which is necessary for carrying out its own functions or for securing co-ordinated effort.

Financial Control by the Centre.

259. We shall discuss in Part V of this volume the financial control which the Government of India exercises over the provinces. Here it will be enough to note how greatly the independence of the Centre granted to the provinces has affected

their outlook. In finance, as in administration, the Reforms effected a formal distribution of interests between the provinces and the Government of India. But, in this subject of finance, exercise by the Centre of its powers of superintendence, direction and control, and of interpretation and adjustment, offered a ground for greater conflict of interest than in general administration. A decision made in favour of one province, as when Bengal was granted the remission of its provincial contribution, was regarded as inequitable by other provinces. An interpretation which went against a province, was sometimes regarded by that province as an interested decision, if its effect was to benefit central revenues. The general unpopularity of the Meston settlement and the financial stringency of the early days of the Reforms detrimentally affected the relationships of some of the provinces with the Government of India. In certain cases, ingenuity was exercised in making claims against the Centre for services rendered, attempts were made to strain the natural classification of receipts and expenditure as central or provincial, and provincial interests were somewhat narrowly pursued without proper regard to the requirements of India as a whole. But difficulties of interpretation have now mostly been settled and major matters of dispute adjusted, with the result that unprofitable disputes are now uncommon. The most effective means of reaching harmony on broad principles has been found to be through conferences of Finance Members, which are now held annually.

The Control of Provincial Legislation.

260. The Governor-General's powers of issuing ordinances in emergencies for any part of India have not lain dormant. The exercise of this power to meet an emergency such as the Moplah rebellion, has been accepted by popular opinion as necessary. But in one case at any rate—when the Bengal Criminal Law Amendment Ordinance was issued in 1924—it was sharply criticised in the Central Legislature. The exercise of the Governor-General's powers of assent, dissent and reservation has given rise to no difficulties, but criticism has been directed in the provinces at the wide terms in which are drawn the provisions imposing the obligation of obtaining the Governor-General's previous sanction to all but a small category of provincial enactments. As we have explained, the Governor-General's discretionary powers take the place in the constitution of any formal distribution of legislative powers between the Centre and the provinces. They have served their purpose well. If the provinces have been prevented from invading the proper sphere of the Centre, they have also been protected from many attempts at interference in provincial matters by way of private members' Bills in the Central Legislature. But the procedure involves that not only provincial Bills, but amendments to provincial Bills, should be submitted for previous sanction, and, if subse-

quent delay is to be avoided, it is to the interest of the working of the provincial legislatures to give the widest possible interpretation to these provisions. Differences of opinion between the central and provincial Governments as to the scope of the section of the Act which imposes this obligation (section 80A) were, at first, not uncommon, but that scope is now becoming a matter of settled interpretation. The section, however, involves a procedure which is necessarily somewhat irksome to the provinces, and any method of enlarging the range of provincial legislation which is exempt from it would be welcomed.

CHAPTER 5.—THE SECRETARY OF STATE AND THE COUNCIL OF INDIA.

261. In Chapter 11 of Part II we have described the constitutional powers of the Secretary of State for India and the Council of India. In the present chapter we first deal with their relations in practice; and thereafter explain the extent to which in actual working it has been found possible to delegate their statutory powers to authorities in India in the interests of prompt and effective administration.

Statutory Responsibilities of Council of India.

262. It has been explained in the earlier chapter that the Government of India Act leaves it to the Secretary of State to determine to what extent and in what manner he shall consult his Council, except in regard to those special matters for which its consent by a majority of votes is required by the Act. We will deal with the latter first.

Section 21 of the Act requires the concurrence of the Secretary of State's Council to expenditure of the revenues of India. It is possible (as was, indeed, contemplated when the Act of 1858 was passed) for the Council to interpose its financial veto against a policy which has the approval of the Secretary of State; but in practice differences between them yield to discussion, and deadlocks are avoided. A more important application of the financial powers of the Council may arise in dealing with expenditure which will fall upon the British taxpayer save in so far as it can properly be shared with, or attributed to, India. Where undertakings of a common interest are entered upon by the two Governments, honest differences of opinion as to the equitable distribution of the cost are possible, and the position of a Secretary of State, who is a member of the Cabinet which is deeply concerned with the problems of a British budget, is materially strengthened by the fact that the final control of Indian revenues in such a dispute is not in his hands alone. We have been informed that up to quite recent times the veto of the Council has been exercised against claims pressed strongly by departments of the Home Government. Such disputes are not always disputes about the fair distribution of the cost of an admittedly joint undertaking. It may be no less difficult to decide whether the expenditure in question can be regarded as incurred in any degree "for the purposes of the government of India," the overriding condition laid down in section 20 of the Act for the charging of any expenditure to Indian revenues. The financial veto of the Council has, we believe, been effective in dealing with such matters. At the same time, it has to be recognised that the constitutional position admits of deadlocks between two Governments, each of which is convinced of the justice of its claim.

A second group of questions, for the decision of which the consent of the Council is required by statute, relates to the Civil Services of India. The Joint Select Committee was concerned, as were the authors of the Joint Report, for the future of the Services, and in particular the All-India Services; and the statutory rules, which under section 96B (2)* regulate service questions, require the approval of a majority of the votes of the Council. The Services attach the greatest importance to the control of their service conditions resting with a body of the character of the Council. A large number of service questions come before the Council for decision.

Consultative Functions of Council of India.

263. Such are the more important matters which, under the terms of the Act, must be referred to the Council. But Secretaries of State in practice take the advice of the Council on a wide range of matters which they might withhold at their discretion. We have been told that the Council has not invariably been consulted on matters of high policy, but there are questions of great importance and difficulty not necessarily falling within that description. Financial policy affords an example.

A sound financial policy is a condition of good government only less important than the maintenance of law and order; and under the existing Statute the Secretary of State's responsibility to Parliament is as clear for the one as for the other. But Parliament has a special concern in the field of finance. British investors have lent over £240,000,000 to the Secretary of State in Council for Indian expenditure. They have lent it in the knowledge that statutory responsibility for the finances of India rested on the Secretary of State in Council. Further, Parliament itself determines, by its assent to special Acts from time to time, the amounts which the Secretary of State may borrow in this country, and in presenting to the House of Commons an East India Loans Bill, it is not uncommon for the Minister to expound the state of Indian finances. It is not the fact, as is sometimes imagined, that loans to the Government of India are guaranteed by Parliament, but such loans are declared by statute to be Trustee securities.†

The questions arising out of this responsibility are both difficult and technical, and no Secretary of State, unless he were assured that Parliament would acquiesce in his delegating the control of them to the Government of India, could deal with them without expert advice. The Finance Committee of the Council, to which such questions are invariably remitted, normally includes a member of the highest standing in City financial circles, one of long business experience in India and one who has held high office in the Finance Department of the Government of India.

* This section was inserted in the Act at the instance of the Joint Select Committee.

† See para. 422 below.

Relations with Government of India.

264. We now turn to consider the relations between the Secretary of State and the Secretary of State in Council on the one hand and the Government of India on the other. Their statutory control over the Government of India is still in theory complete within the field left to them by the Act of 1919. But for various reasons it is exercised in practice to an extent very much less than a literal interpretation of the Act would warrant. It goes without saying that the " superintendence, direction and control " by an authority in Whitehall of all " acts, operations and concerns " involved in the government of a sub-continent 6,000 miles away is impossible. The essential process of delegation had gone on intermittently for many years before the Reforms, but the policy underlying the Act of 1919 gave it a strong impetus. *Delegation*, it will be understood, differs from a statutory *devolution* of powers, in that it does not relieve the Secretary of State from his responsibility to Parliament; he takes the risk of trusting a subordinate authority to decide matters for which by statute he remains responsible.

265. In the sphere of legislation it is possible to lay down rules to give effect to the general policy. Before the Reforms, no Bill other than a purely formal one could be introduced into any Indian legislature until the Secretary of State in Council had seen and approved its actual terms, or at least a full statement of its scope and purpose. Under the existing rules, which date from 1921, Bills to be introduced in the Central Legislature need not be referred for the approval of the Secretary of State in Council, unless they relate to a limited number of subjects; for example, Imperial or military affairs, foreign relations, the rights of European British subjects, the law of naturalisation, the public debt, customs, currency and shipping. It is left to the Governor-General in Council to refer for the previous approval of the Secretary of State in Council such provincial Bills as he thinks fit. Since these orders were passed, the instances in which a provincial Bill has been submitted to the Secretary of State could be counted on the fingers of one hand; and though in one or two instances considerable discussion has taken place between the Secretary of State and the Governor-General, no instance can be cited of final objection by the Secretary of State to the introduction of a Bill which the Government of India proposed to promote in the Central Legislature.

But the need for prior reference to the Secretary of State necessarily involves delay and, if a prompt decision is essential, may cause difficulty, e.g., when, in the course of the discussion of a Bill, unforeseen points arise on which negotiations between the Government and members of the Assembly offer hope of a compromise; on the other hand, delay may sometimes afford opportunity for further consideration.

Extent of Control over Expenditure.

266. It is possible to define by rules the extent to which the Secretary of State in Council keeps control over expenditure in his own hands. It should be explained, in the first instance, that section 21 of the Act does not stand in the way of expenditure by Governments in India for the purposes of day-to-day administration. To a very great extent the power to dispense with Council sanction in such matters passed to them long ago either by specific sanction or by inevitable usage and sufferance. The rules delegating financial powers have in consequence never been lists of matters for which sanction is not required; they prescribe the exceptional matters in regard to which sanction is still necessary. In 1920 the code was still considerable but drastic reductions were made in it; the list of matters which have not been delegated is now of modest dimensions and the tendency to reduce it is still active. Some of the restrictions are financial in name only; they are retained, not because of the expenditure involved, but because a financial limit is the only convenient method of keeping control of a matter which has an importance of a different kind. An example is the rule that the abolition or creation of posts carrying more than a certain rate of pay requires Council sanction; such posts are of the class held by officers of the All-India Services, whose interests are a special concern of the Secretary of State in Council. As an indication of the limits of purely financial control, we instance rules which require sanction for the revision of permanent establishments, if the additional recurring cost is over 15 lakhs, and for capital expenditure exceeding 50 lakhs on such matters as irrigation projects.

Limits on Parliamentary Comment.

267. But it is impracticable to regulate by rules the extent to which the Secretary of State delegates his powers in regard to administrative decisions. There is hardly a branch of administration in which at some time or other an incident may not give rise to a critical decision or a departure in policy have far reaching implications. Throughout this field, therefore, it rests with the Government of India to decide whether the matter is one in which the responsibility of the Secretary of State to Parliament entails that he himself should take the decision. The news service of the Press tends more and more to bring Indian affairs promptly and continuously before the public and Parliament, and the extent to which they concern themselves regulates, and must regulate, the range within which actual delegation by the Secretary of State is possible. He must keep himself informed of everything that is likely to interest Parliament, and in matters on which differences may arise he must, wherever possible, be a party to the decision in order that he may defend it, if challenged.

The influence of Parliament in this regard was, however, affected by the rules made under the Act. Soon after the introduction of the Reforms, the question arose whether the administration of transferred subjects could properly be raised in Parliament, e.g., by question. The position was explained in the House of Lords by the Under Secretary of State for India (Lord Lytton) in 1921 as follows :—*

"It must be perfectly clear that government in India, under the new system, would be absolutely impossible if Parliament, by virtue of its ultimate responsibility for the welfare of India, were to interfere in the administration of subjects which it has transferred to Local Governments as represented by the Governor and his Ministers, and if it were to seek to make Indian Ministers responsible to itself in detail as well as to their Governors and their own Councils."

"The Secretary of State in Council on the advice of one of Lord Southborough's Committees and of the Joint Select Committee, limited by Statutory Rule the exercise of his powers of superintendence, direction and control, in relation to transferred subjects to cases where central subjects or Imperial interests are affected. It is in that spirit we appeal to Parliament to exercise an equal self-restraint in the use of its rights of interrogation and criticism. . . . Parliament has undoubtedly the ultimate responsibility, but it must exercise some self-restraint in the exercise of that responsibility. The thorough investigation of the working of the new Act by periodical Statutory Commissions has been provided for in the Act itself,† but Parliament must be content to limit its legal right of pulling up the young plants to see how they are growing."

This statement of the effect of the transfer of a field of administration upon Parliamentary intervention within that field has not, we believe, been challenged.

The Fiscal Convention.

268. The Joint Select Committee on the Government of India Bill of 1919 suggested a form of delegation of the statutory powers of the Secretary of State of an entirely different character and significance from the kind of delegation which we have hitherto discussed. In dealing with clause 33 they said :—

"The Committee have given most careful consideration to the relations of the Secretary of State with the Government of India, and through it with the provincial governments. In the relations of the Secretary of State with the Governor-General in Council the Committee are not of opinion that any statutory change can be made, so long as the Governor-General remains responsible to Parliament, but in practice the conventions which now govern these relations may wisely be modified to meet fresh circumstances caused by the creation of a Legislative Assembly with a large elected majority. In the exercise of his responsibility to Parliament, which he cannot delegate to anyone else, the Secretary of State may reasonably consider that only in exceptional circumstances should he be called upon to intervene in matters of purely Indian interest where the Government and the Legislature of India are in agreement.

"This examination of the general proposition leads inevitably to the consideration of one special case of non-intervention. Nothing is more likely

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* House of Lords' Debates, 8th March, 1921.

† This is not correct. The Act provided for only one Statutory Commission. But the Joint Report contemplated periodical surveys.

to endanger the good relations between India and Great Britain than a belief that India's fiscal policy is dictated from Whitehall in the interests of the trade of Great Britain. That such a belief exists at the moment there can be no doubt. That there ought to be no room for it in the future is equally clear. India's position in the Imperial Conference opened the door to negotiation between India and the rest of the Empire, but negotiation without power to legislate is likely to remain ineffective. A satisfactory solution of the question can only be guaranteed by the grant of liberty to the Government of India to devise those tariff arrangements which seem best fitted to India's needs as an integral portion of the British Empire. It cannot be guaranteed by statute without limiting the ultimate power of Parliament to control the administration of India, and without limiting the power of veto which rests in the Crown; and neither of these limitations finds a place in any of the statutes in the British Empire. It can only therefore be assured by an acknowledgment of a convention. Whatever be the right fiscal policy for India, for the needs of her consumers as well as for her manufacturers, it is quite clear that she should have the same liberty to consider her interests as Great Britain, Australia, New Zealand, Canada and South Africa. In the opinion of the Committee, therefore, the Secretary of State should as far as possible avoid interference on this subject when the Government of India and its Legislature are in agreement, and they think that his intervention, when it does take place, should be limited to safeguarding the international obligations of the Empire or any fiscal arrangements within the Empire to which His Majesty's Government is a party."

269. The fiscal convention suggested in the latter paragraph of the Committee's remarks has been adopted. But in the course of discussion it was found that the position required closer definition. As a result of correspondence between two Secretaries of State (Lord Peel and Lord Olivier) and the Government of India, it is now settled policy that the Secretary of State does not interfere with the enactment of any tariff measure upon which the Government of India and the Indian Legislature are agreed; but as a member of His Majesty's Government he cannot divest himself of responsibility for ensuring that no such measure cuts across general Empire policy or is so unfair to any constituent part of the Empire as to bring India into conflict with it. This responsibility he can, in the last resort, fulfil by exercising his right of advising the Crown to disallow the measure, if passed. But in order to avoid such a conflict if possible, he is kept informed in advance of the Government of India's intentions in regard to such legislation before the Legislature is consulted and, therefore, before the Convention operates. Any observations which he offers on the proposed legislation receive the fullest consideration from the Government of India; but it is at liberty to accept or reject any suggestions made or advice given in deciding on the proposals to be placed before the Legislature.

An understanding analogous to the fiscal convention has been arrived at in one other region. The Secretary of State has relinquished his control of policy in the matter of the purchase of Government stores for India, other than military stores. The Governments in India, in agreement with the legislatures, are now free to buy stores in India, in this country, or abroad, as

seems best to them, and the Secretary of State, though he is by statute responsible to Parliament, has undertaken not to intervene.

Beyond these two regions, delegation by "convention" has not gone. The difficulty of finding departments of administration in which it can be confidently said that no questions affecting Parliament's essential control will arise, is obviously very great. We believe that considerable satisfaction has been created in India by the firmness with which successive Secretaries of State have stood by the fiscal convention. In our second volume, we shall have to consider what is really involved and whether the practice already established is capable of being extended and applied to other spheres.

CHAPTER 6.—THE COURSE OF INDIAN POLITICS SINCE 1920 IN THE LIGHT OF THE REFORMS.

The Prelude to the Reforms.

270. In the earlier chapters of this Part of our Report, we have reviewed in detail the working of the various parts of the system of government established by the Act of 1919. In the present chapter, we describe in broad outline the political conditions in which the constitutional experiment was carried out, and the trend of Indian opinion in relation to it.

The year that preceded the coming into force of the Act was marked by disturbances such as India had not seen for many years, and its events profoundly influenced not only the atmosphere in which the new constitution was received, but the attitude of many towards it for long afterwards. The announcement of August 1917 had set out the conditions of the constitutional advance to which His Majesty's Government had pledged itself; but hopes that were unwarranted by the announcement alternated with equally baseless suspicions that, now that the War was over, the promises would not be kept. The masses, though little interested in the political future, were suffering from a rise in prices and a failure in the monsoon. Moreover, the Indian Muhammadans were alarmed at the attitude of the Allied Powers towards Turkey. They saw in the terms of peace that were then foreshadowed for the greatest of the Moslem powers, a danger to their religion and to the Holy Places of their Faith. These three factors combined to produce a dangerous situation.

During the War, it had been found necessary to arm the Administration against revolutionary crime by powers given to it under the Defence of India Act, which corresponded to the Defence of the Realm Act in Great Britain. The Government of India introduced two Bills into the Legislature to secure special powers for itself in relation to such crime on the expiry of the war legislation. These "Rowlatt Bills" aroused an opposition as vehement as it was unexpected. Mr. Gandhi placed himself at the head of it and began the first of his Indian "passive resistance" campaigns. In the organised agitation that followed, the masses, already discontented and unstable, were inflamed by gross misrepresentations, and Hindus, Sikhs and Muhammadans joined hands for different reasons in a common enmity to the Administration. It was part of the pledge that Mr. Gandhi's followers took that they should abstain from violence to person or property; but, as the excitement grew, this obligation was forgotten, and the movement developed in March 1919 into a widespread outburst of mob violence, principally in the Punjab and Gujerat, and culminated in the tragedy of Jalianwala Bagh in Amritsar. The racial bitterness aroused was great and lasting;

and it produced an atmosphere for the inauguration of the Reforms in the following year, which could hardly have been worse.

271. Towards the end of 1919 divisions of political opinion, which were to persist for the next few years, began to emerge. Politicians ranged themselves in accordance with the view they took of the Reforms foreshadowed in the Bill then before Parliament. On the one side were the Moderates; they accepted the principles of the announcement of 1917 as governing the conditions of political advance, and though many of them thought that the scheme of the Montagu-Chelmsford Report did not go far enough, they were prepared to do everything in their power to make the new constitution a success and so justify a further advance. The other party, the Nationalists, denounced the Reforms as wholly inadequate and unacceptable. The first elections for the new legislatures were to take place in the autumn of 1920, and in less troubled times political interest would have centred on a struggle between these two parties at the polls. But in the period we are reviewing, electoral struggles and the proceedings of the legislatures have more than once been overshadowed in political significance by movements conducted independently of the legislatures and sometimes in contempt of them. At this juncture, one of the most notable of these, the non-cooperation movement, came into being. It not only determined the composition of the first legislatures, but, for the first two years of their existence, it presented a question of the greatest gravity.

The Non-Cooperation Movement.

272. The movement arose out of the racial bitterness and the political disappointment of the previous year, and the increasing anxiety of Muhammadans over the Turkish peace terms. An organised Moslem agitation—which became known as the Khilafat movement—was set on foot in India, with the object of bringing pressure to bear on the Imperial Government to restore the Sultan of Turkey to something like his pre-war position. Though the Government of India was not responsible for the policy of the Allied Powers, the movement was directed against the Indian Administration. Once more Mr. Gandhi came upon the scene. He placed himself in the forefront and brought with him his Hindu following. The whole of the opposition to the Administration—political, religious and racial—thus became united and developed into the formidable agitation known as the Non-Cooperation Movement, of which he was to be the most prominent leader for the next two years.

The aims of the rank and file of the Khilafat section of the movement were simple—they were concerned for the political and religious future of Islam. Mr. Gandhi's objectives were

less definite. He stood for the ideals and the civilisation of India as against those of Europe; for the cult of the spinning wheel and the simple economics of the village, as against the factories, the railways and the "materialism" of the West. But among his allies were many whose political and economic outlook and way of life were European. It is not surprising, therefore, that Mr. Gandhi never found it easy to define what "Swaraj" would mean in actual political practice; his accounts of it varied from time to time and were always nebulous. But the critical side of his doctrine was clear enough. Mr. Gandhi preached that British rule had impoverished India and destroyed its liberties. The existing Government and all it stood for were "Satanic", and the only cure was to end it.

As the movement was projected by Mr. Gandhi, the end was to be attained by bringing moral pressure to bear on Government. His adherents were to resign Government titles and honorary offices; to withdraw from Government service; to boycott schools, law courts and the legislative bodies. Looming behind all these, was the final measure of "non-cooperation"—refusal to pay government dues, and organised mass disobedience to the laws and to the orders of the Administration. When the work of Government had been paralysed by these methods, nothing would be left for it but to abdicate. There was, however, to be no compulsion upon anyone to carry out any of these steps; and above all, there was to be no violence to person or property.

Progress of Non-Cooperation.

273. Political movements in India are guided, and sometimes controlled, by certain great organisations which enunciate their policies and consolidate their forces at annual meetings, usually held at the end of the year. The most important of these are the Indian National Congress, the National Liberal Federation (the organisation of the Moderate Party), and the All-India Muslim League, which represents the mass of Muhammadan opinion. The first named has a long history behind it. Beginning in 1885 as a body of moderate opinion, it gradually established its claim to be regarded as an All-India body, although throughout it has been preponderantly Hindu in composition. By the beginning of the period under review, it had received an accession of Moslems of extreme views. Its widespread organisation and financial resources made it by far the most effective political organisation in India.

Mr. Gandhi succeeded in the autumn of 1920 in securing the support of the Congress for his campaign—a matter of the greatest importance, since it placed at his disposal its organisation and eventually its resources. With its help, non-cooperation committees were set up in the villages, and Mr. Gandhi went up and down the country preaching opposition to Government. Local detachments of "Congress national volunteers" devoted them-

selves to the movement, and the influences they brought to bear to secure non-cooperation with Government were often quite inconsistent with the tenets of "non-violence."

The masses in India are normally law-abiding, but the inevitable result of widespread vilification of the Administration, directed by a man of Mr. Gandhi's influence and reputation, was contempt for the law. By the beginning of 1921, disorder had broken out in many provinces. Open violence brought into relief the divergencies between the religious and militant tendencies of the Khilafat side of the movement and the political and non-violent principles of Mr. Gandhi and his more consistent disciples. The Hindu community became disturbed by the growing stress laid by their allies on religious aims, and in August, 1921 the Moplah outbreak showed that there was good ground for their apprehensions. The Moplahs (or Mapillas) are a sturdy Muhammadan people of Malabar on the West Coast of the Madras Presidency. They are mainly the tenants of Hindu landowners, and from time to time their economic grievances have led them to resort to violence as a means of redress. Under the religious propaganda of the Khilafatists, and the growing belief that Government could no longer enforce its orders, the Moplahs rose in rebellion and, having destroyed the machinery of government in their area, and killed or driven off all the officials, they turned on the Hindu population in an outburst of murder, arson and outrage. There were few who did not read the lessons of the outbreak; but Mr. Gandhi and the Congress leaders were among them. They made plans for organised civil disobedience in every province, and the intensity of the anti-Government feeling steadily grew. In Bombay, on the day the Prince of Wales landed in India, a conflict occurred between the loyal and the non-cooperating elements, and in the ensuing riot 53 persons were killed and 403 wounded. Hitherto, Government had adopted the policy of trusting to the good sense of the people to combat the movement and had taken action only against persons guilty of specific breaches of the law, such as incitement to violence. But, in face of the preparations for organised civil disobedience, it arrested a number of agitators. Mr. Gandhi demanded their release under a threat of putting his plans into immediate effect, but a tragedy directly due to his campaign intervened. Twenty-one police constables were murdered with revolting cruelty at Chauri Chaura in the United Provinces by a mob acting under the excitement of the anti-Government movement. In his horror at the incident, for which he did not disclaim responsibility, Mr. Gandhi suspended his threat to Government. He renewed it shortly afterwards, but the country had at last become alive to the dangers of the agitation. His influence waned, and his arrest in March, 1922 marked the end of the movement as a serious threat to the Administration.

The Movement at its Height.

274. This sketch of the rise and decline of the movement does not convey the full seriousness of the situation that confronted the Administration when it was at its height. The danger varied from province to province and from district to district. In some areas, its effects were unimportant and transitory; in others, the whole basis of ordered government seemed to be on the point of disintegration. Defiance of authority became widespread—an extraordinary development in Indian districts where the power of Government had never been questioned within living memory. Police stations were attacked, Europeans were assaulted, and every kind of intimidation and social pressure was employed to induce the general body of officials to resign. An instance will show the dangers of the movement, even where it fell short of outrage and massacre. A mob, excited by rumours that the police were organising fires in the district, attacked a constable and brought him before the District Magistrate, who ordered him to be kept in custody pending enquiry. This did not satisfy the mob, who took the constable to two leading non-cooperators to be dealt with. The effect on the morale of the rank and file of the police was serious. The whole position turned on their loyalty, and to lose the protection of the law which they maintained, brought them almost to the breaking point. In this case, it was only the influence of the higher officers of the Force that prevented them from resigning in a body.* The incident shows how near matters went to a complete dissolution of all law and order.

The First Legislatures (1920-23).

275. The elections to the new legislatures were held at the beginning of the non-cooperation movement. The Nationalist Party had joined the movement and, consistently with its programme, its members did not stand as candidates. Every effort was made to throw contempt upon the elections, but the attempt failed. The field was left open to the Moderates, who were returned in preponderating numbers both to the Central Legislature and to the provincial councils.

It is due to these first legislative bodies to recognise the public spirit with which they entered upon their duties. In their hopes and ambitions for the future of India they had much in common with the non-cooperators, who included many of their friends. Bitterness over the Punjab disturbances of 1919, enthusiasm to push on towards full self-government, and admiration for the personality of Mr. Gandhi were shared by all parties. But the Moderates had accepted the principles of the announcement of 1917 and set themselves stoutly to do what they could to make the Act of 1919 a success. In the non-cooperating atmosphere

* See Bihar and Orissa Government Memorandum Vol. XII p. 17.

of 1921, it required courage to follow this programme. In the first session of the Assembly a deficit of £18½ millions had to be provided for. The Assembly faced its unpopular task in the spirit of responsible public men and passed the measures required to restore the financial position of Government. In 1921, the Assembly and the Council of State steadily supported Government in dealing with the Moplah outbreak and, in the critical days of 1922, again backed Government in its measures against the non-cooperation movement. In particular, the Assembly rejected without a division a motion urging release of the Ali brothers, who had been arrested for attempts upon the loyalty of the troops.

The first important difference between the Administration and the Assembly occurred in the summer of 1922. Government had promoted a Bill to prevent the dissemination of books and newspapers calculated to excite disaffection against Rulers of Indian States. The Assembly took the strong measure of refusing to agree to the introduction of the Bill and the Governor-General was forced, for the first time, to bring into use the special powers of securing essential legislation entrusted to him by the Government of India Act. He " certified " the Bill, which was then passed by the Council of State and thereupon received his assent.

Two debates on constitutional advance took place in the first Assembly. In September 1921, that is, within eight months of their first meeting, the Assembly passed a Resolution that the Government of India should convey to the Secretary of State for India the view of the Assembly that the progress made by India on the path of responsible self-government warranted a re-examination and revision of the constitution at an earlier date than 1929. The Secretary of State's reply, which was to the effect that so short an experience of the working of the reformed constitution did not warrant the assumption that the time was ripe for further change, was debated in February 1923. Both debates exhibited an enthusiasm for rapid political advance, which, one may hazard, was not uninfluenced by the more extreme claims of the non-cooperating parties outside the Assembly; it was readily assumed that all the lessons of self-government had already been learnt. But, though the Secretary of State's reply was a great disappointment to many members of the Assembly, they did not press the debate upon it to a division. It is probable, however, that the reply, and the approaching elections, affected their action later in the session. They had taken a lively interest in the post-war expenditure of Government and a retrenchment committee, under Lord Inchcape, had surveyed the whole field of expenditure. On its recommendation drastic reductions had been made; but there remained a gap between the estimated expenditure and income of the following year, which had to be bridged, and Government proposed a small

increase in the salt tax to this end. The Assembly rejected the clause in the Finance Bill embodying the increase, and the Governor-General had, for the second time, to use his extraordinary powers to secure its passage.

Review of the First Phase.

276. The completion in 1923 of the three years' term of the Assembly marked the end of the first phase of post-Reform politics. The non-cooperation movement had demonstrated its dangers and had failed, and out of the Hindu-Moslem alliance upon which it rested, there was shortly to emerge a Hindu-Moslem antagonism which has ever since been a dominating factor in Indian politics. The Legislature had taken an effective and honourable part in the working of the new constitution. The Assembly, indeed, had finished its term in a mood of despondency, induced by disappointment at the rate of constitutional advance and at the use of the Governor-General's extraordinary powers. But it had behind it a record of real contribution in debate and committee to the work of government. It had secured the repeal of legislation which Indian opinion regarded as " repressive ", and the abolition of racial discrimination in criminal trials; it had brought effective pressure to bear on the Indianisation of the Army and on tariff policy; and its authority had been extended by the establishment of a practice by which the Executive submits such important taxes as income tax and salt duty for the approval of the Assembly in an annual Finance Bill.

Communal Antagonism.

277. Just as the non-cooperation campaign formed the background for the work of the first legislatures, so Hindu-Muhammadan antagonism was by far the most significant movement during the lifetime of their successors. The bond between Hindu and Muhammadan in Mr. Gandhi's campaign was a common antagonism to Government. With the mass of Muhammadans that antagonism was founded on apprehensions for the future of their religion. These were set at rest by the Treaty of Lausanne, which gave Turkey better terms of peace than had at one time been anticipated, and the abolition of the Khilafat by Mustapha Kemal Pasha gave the movement its quietus. But non-cooperation had opened up new possibilities in the relations between Hindus and Moslems. To many of them it seemed that, if there was a possibility of political control passing before long completely out of the hands of Parliament, it became important for each community to organise and consolidate its forces in preparation for the new situation that would then arise. Movements were set on foot by both Hindus and Muhammadans for the reconversion of classes which were said to have lapsed to the other faith. Suspicion and bitterness were the inevitable result, and in the excitement of religious festivals

occasions for dispute were only too easy to find. By the middle of 1923, communal riots, marked by murder, arson and looting, were of almost monthly occurrence. In 1924 fierce outbursts occurred in many of the greater cities of the North. At Kohat, in the North-West Frontier Province, the entire Hindu population fled the town in terror of their lives. The year 1925 saw a lull in actual rioting, but the tone of the Press and of public speeches left no doubt about the intensity of communal feeling. In April 1926, there occurred the first of a series of dangerous riots in Calcutta, and the following twelve months saw 40 riots resulting in the death of 197 persons and injuries to nearly 1,600.

By this time, it had become clear to everyone that it was no longer a question of isolated clashes of merely local concern; what was at issue was the All-India problem of the political relations of the two major communities. Communal representation in the legislatures, in the Government services, and in local bodies became the all-important question. Conferences of leaders, not only of the two communities, but of all parties, were held to find ways of securing peace; for it was recognised that communal antagonism stood in the way of general political advance. But such attempts failed in face of the determination of each community to secure its political future.

The Akali Situation.

278. Something may be said here of the Akali movement which disturbed the Punjab from 1920 to 1925. The Akalis are a reforming sect of Sikhs who, under the guidance of a committee, the Shiromani Gurdwara Prabandak Committee, devoted themselves to bringing Sikh shrines under the control of the community. In the spirit of the non-cooperation movement, the Committee preferred to secure its ends without recourse to Government, and organised the Akalis into a militia for the purpose. Serious disorder followed, and the methods of Akalis in some areas threatened a reign of terror. Government had no hostility to religious reform, but was compelled to interfere when a section of the community endeavoured to take the law into its own hands. It was accused of hostility to the Sikh religion, and until a settlement was reached in 1925, with the help of moderate Sikh opinion, the Akali question provided a formidable problem for the Punjab Government. Here too, as with other minority communities, it is probable that the movement in one aspect was encouraged by the need for consolidation.

The Second Legislatures (1923-26).

279. When the second reformed legislatures were elected in the autumn of 1923, the communal trouble was in its early

stages. The political interest of the elections lay in the appearance of members of Congress as candidates. In the previous summer a split had taken place in the ranks of the party. As non-cooperators, their policy hitherto had been to boycott the legislative bodies and to pursue their ends by methods outside the constitution. But certain of the leaders, conscious of the failure of non-cooperation and, it may be, alive to its dangers, now turned to a new method of embarrassing Government. They offered themselves as candidates for the Assembly and for the provincial councils on a pledge of "uniform, continuous and sustained obstruction with a view to making government through the Assembly and the Councils impossible." For the policy of boycott was to be substituted one of wrecking the legislatures from within.

The group which held these views was led by the late Mr. C. R. Das and Pandit Motilal Nehru. At first, they met with strong opposition in Congress from the group led by Mr. Gandhi, who adhered to the policy of boycotting the legislatures; but at the elections, they had the help of the party machine, and formed a compact, disciplined and well-organised "Swarajist" Party. The Moderates, or Liberals, on the other hand, went to the contest dispirited with the results of the first three years of the Reforms; their organisation was not comparable with that of their rivals, and so far from having any popular appeal, they had to carry some of the unpopularity of the Administration with which they had been associated. The Swarajist candidates had a striking success in the elections for the Assembly and secured 45 seats. These gains were made mainly at the expense of the Liberals. They had less success against the Independents, a group of candidates of various opinions, who were able to rely on local influence in the constituencies for support, rather than on acceptance of a party programme. In the provinces, the Swarajists were on the whole less successful. They obtained a clear majority in the Council of the Central Provinces; and in the Bengal Council they were the largest party. In the other provinces, they made no great headway; in Madras, the Punjab, and Bihar and Orissa, they were very weakly represented.

Congress laid down that members of the party in the legislatures should pursue a policy of pure obstruction. No member was to accept office or a seat on a select committee, or to take part, as an individual, in current business. When the new Assembly met in 1924, the Swarajists, numbering only 45 out of 145 members, were too few to carry out effectively the mandate of Congress. During the session, they allied themselves with the Independents. But the latter were far from accepting a policy of obstruction, and the Swarajists were compelled to compromise with their allies, and to modify the wrecking methods to which they had pledged themselves.

Attitude of Second Assembly.

280. The attitude of the new Assembly towards the constitution was shown in its first session. A resolution was moved by Pandit Motilal Nehru, the leader of the Swarajists, for the convening of a Round Table Conference to recommend a scheme for establishing full responsible government in India; the scheme, after being placed before a newly-elected legislature, was to be submitted to the British Parliament "for embodiment in a Statute." This went much further than the resolution of the first Assembly, three years before, which did no more than ask that enquiry into India's fitness for a further measure of self-government should be expedited. Government opposed the resolution, but promised an enquiry into the working of the constitution, with a view to making such changes as were desirable and possible within the existing Act. This proposal received little support, except from the minority communities, and the resolution was carried against Government by a large majority. Later in the session, the Assembly rejected Government's demands for grants, not on their merits, but as a "constitutional" protest; and it refused permission to introduce the Finance Bill of the year, the passage of which was only secured by the exercise of the extraordinary powers of the Governor-General. It is noteworthy, however, that the Council of State passed the Finance Bill without division at any stage.

In 1924, there was a revival of revolutionary crime in Bengal. Special procedure for dealing with it had been established by an Ordinance which was valid for six months only. A Bill to extend it, after being rejected by the Bengal Legislative Council, had been certified by the Governor, and supplementary legislation was necessary in the Central Legislature. The Bill was introduced in the spring of 1925. The Assembly rejected the essential clause, and the Governor-General was again compelled, in the face of violent opposition, to use his special powers. Here again, the Council of State supported the Executive by passing the Bill.

The question of constitutional advance came up again in 1925. In accordance with its undertaking in the constitutional debate of the previous year, Government set up a Committee under the chairmanship of the late Sir Alexander Muddiman to enquire into the working of the Government of India Act, and to investigate means of securing remedies (consistent with the structure and purpose of the Act) for any defects which might be found. The majority of the Committee reported that the existing constitution was working in most provinces and was affording valuable political experience; but that the time it had been in existence was too short to make possible an estimate of its ultimate success. They made, however, certain detailed recommendations for improving the machinery of government. The

minority view was that dyarchy had demonstrably failed and could not succeed; and that nothing short of a fundamental change of the constitution would secure an improvement. A debate on the Report took place in the Assembly in September 1925. Government proposed to accept the principle underlying the majority report, and to proceed with the consideration of its recommendations. The leader of the Swarajists moved an amendment that immediate steps should be taken to move His Majesty's Government to make a declaration in Parliament embodying such fundamental changes in the constitution of India as would make government fully responsible; and that a Round Table Conference or Convention, representative of all interests, should be held to frame a detailed scheme which should be placed before the Legislative Assembly for approval, and afterwards submitted to the British Parliament to be embodied in a Statute. The amendment was carried against Government in the Assembly. But the original resolution was accepted by the Council of State.

These debates had followed upon efforts made by the Secretary of State for India, and by the Viceroy himself, to secure a measure of cooperation from Indian public men in the interests of constitutional advance. The terms of the amendment carried in the Assembly made it clear that there was no disposition on the part of a large and influential section of Indian politicians to approach the question in a conciliatory spirit.

The Third Legislative Assembly (1927-onwards).

281. Political opinion in India on the eve of the elections for the third Assembly in the autumn of 1926 was concerned in the main with two questions. The first was the policy of Congress in regard to the legislatures. We have seen how, before the elections of 1923, the group led by Pandit Motilal Nehru broke away from the original policy of non-cooperation and entered the legislatures with the object of paralysing the work of government; and how, in the Assembly, the need for allies had led the party to follow more constitutional courses. Swarajists had taken part in the ordinary work of the Chamber and had even sat on committees, but they had refused to accept ministerial office in the provincial councils, and, in two provinces, had succeeded in making dyarchy unworkable. A fresh movement in the direction of constitutional methods now appeared within Congress. The policy of entering the legislatures in order to wreck them, and still more the policy of complete non-cooperation, did not commend themselves to an influential party. This group, led by Mr. Jayakar, Mr. Kelkar and Dr. Moonjee split off from the main body and formed the party of "Responsive Co-operation". The break was marked by the acceptance by Mr. Tambe, a member of the Congress Party, of the appointment of Executive Councillor in the Central

Provinces. The Responsivists were prepared not only to enter the legislatures, but to take full advantage of the opportunities open to them under the constitution, by accepting any office of responsibility offered to them. This did not mean that they were any less ready than the Swarajists to carry on the struggle for their common political ends, but they were strongly opposed to the methods that had already been tried, and in particular to civil disobedience.

Hindu-Muhammadan antagonism was the other main influence on the elections. We have described how communal differences developed into deep political cleavage. Its effect became apparent in the elections of 1926. The Swaraj Party was now almost entirely Hindu, and Muhammadans no longer offered themselves for election as members of the Party. Throughout the north, in particular, they stood as Muhammadans first, while Hindu candidates in the non-Muhammadan constituencies stood under communal descriptions, e.g., as members of the Hindu Mahasabha.

282. These divisions were reflected in the composition of the Central Legislature. In the first Assembly, which consisted so largely of Moderates, no permanent party divisions were formed. In the second, the Swarajist and Independent groups did not include between them by any means the whole of the elected members of the Chamber. In the third Assembly, for the first time there developed something like a distribution of the greater part of the elected members of the Chamber into organised groups. Out of 105 elected members, the Swarajists could now command the votes of only about one-third. The Independents were represented in reduced numbers. The Nationalists, a new party under an old name, included the Responsive Cooperators and the Hindu Mahasabhaites, the latter being the party of Hindu consolidation. Most of the Muhammadans organised themselves as the Central Moslem Party, under the leadership of Sir Zulfiqar Ali Khan, while some others acted with the Independent Party, led by Mr. Jinnah. Finally, there was the European group, which, though small in numbers, always exercises a considerable influence in debate.

In the early months of 1927 it looked as if the communal question would govern political movements throughout India to the exclusion of everything else. But, though its importance has increased rather than diminished, the announcement of the appointment of the Statutory Commission in November 1927 provided a question of more immediate concern which affected for the time being the political alignment of parties.

Political Forces in the Provinces.

283. So far, we have been dealing with Indian politics as reflected in the Central Legislature. But a survey from the

standpoint of Delhi and Simla misses a great deal of the picture, and to complete it we must turn to the provinces. The member of a provincial legislature is, of course, interested in the problems of India as a whole, and more particularly in her political future. But his preoccupation is largely with matters that lie nearer home, the problems and the conflicting interests of his own province. The point is well illustrated by the Reports of the Provincial Committees that cooperated with us.

The first legislative councils were, like the first Assembly, composed mainly of Moderates, and for the same reason; the Congress Party was committed to non-cooperation and put up no candidates at the elections. All the councils were, therefore, prepared to work the Reforms, and though the difficulties in actual working varied from province to province in kind and in degree, there was nowhere any approach to a breakdown.

At the elections for the second councils, the Swarajists stood as candidates with the object of bringing government to a standstill by obstruction, but only in two provinces had they any appreciable success—in the Central Provinces, where they had a majority in the Council, and in Bengal where they were the largest party. In the third elections—in 1926—they lost ground in every province but one.

The course of political history in the different provinces is varied, and it is impossible to treat any one province as a sample of all. We have already, in our account of the working of the provincial constitution, outlined the political history during the last ten years of three widely differing provinces, Madras, Bengal, and the Punjab.* We, therefore, select two others, in this part of our Report, by way of illustration of the political forces at work in provincial centres. One of these provinces, namely, Bombay, is a good example of the extent to which leading public men who take part in public affairs have devoted themselves to the special problems of their area, and of the success with which a provincial legislature has played its part under the Reforms. The other illustration which we have chosen, that of the Central Provinces, exhibits an opposite tendency, for the course of politics there has been greatly affected by the All-India programme of the Swarajists, and the work of the Council has been constantly impeded by the influence of those who wished to wreck dyarchy and to prove that the existing constitution was unworkable.

BOMBAY.

284. The elements in the Bombay Legislative Council may be said, throughout the last ten years, to have divided themselves into three roughly equal groups. The first consisted of the official members and the Ministers, together with the representatives of commercial bodies, both Indian and European, whose outlook on most matters tended to coincide with those of the

* See above, Part III, Ch. 2, paras. 219–226.

Government. The second group consisted of three communal elements—the Sindhi Muhammadans, the Presidency Muhammadans and the non-Brahmins. These were predominantly agricultural in outlook and consistently supported what they conceived to be the interests of the communities which they represented. They have been particularly well represented in the Ministry. The third group consisted predominantly of members of the advanced Hindu communities, but in this group again there was a division between the Gujerathi and the Deccani members.

Of these groups, the one most ready to be influenced by All-India political movements was the third. In the second Council, this group was predominantly Swarajist in sympathy. Its Gujerathi members, coming as they did from Mr. Gandhi's country, generally accepted the full implications of the Swarajist creed, but the Deccani members inclined to a more constructive form of opposition. The latter, from the beginning of the second Council, displayed a readiness to serve upon committees and, on occasion, even to support Government. Before very long, dissensions arose among the Swarajists within the Council, and their leader, Mr. Jayakar, resigned from the Legislature.

The existence of so many groups within the Council, and the predominant occupation of each with its own interests, resulted in support being generally forthcoming from some elements for all Government measures. The ministerial groups were usually found to follow their leaders into the lobby. This, however, was by no means always the case. In 1927, when the Council rejected, on the motion of a prominent European commercial member, the proposal of the Bombay Government to proceed with a further section of the Back Bay Reclamation, only seven non-officials voted with the Government, including the three Ministers.

On no occasion has a vote of no confidence in a Minister been debated in the Bombay Council. The strength of the ministerial position lay partly in the harmony with which the Ministers worked with each other. Representing, as they did, different groups, they could almost invariably get substantial support from non-official members of the Council. But they placed their greatest reliance upon the official nominated members. On no occasion have the Bombay Ministers dissociated themselves from the policy of the Bombay Government.

It must not be inferred that the members of the advanced Hindu communities in the Council have shown a consistent opposition to Government. During the third Council, the members of these communities, both Gujerathis and Deccanis, combined to form a United National Party, and supported the

Education Minister, then a Brahmin, in putting on the Statute Book the Bombay University Bill, against the opposition of the combined Sindhi Muhammadan, Presidency Muhammadan and non-Brahmin groups.

Sir George Lloyd, the then Governor, in addressing the first Council on its dissolution, acknowledged its steady judgment and sound political sense. During the last ten years, the Council has criticised Government, generally in a moderate and helpful spirit. It has shown a business sense and an anxiety for progress, administrative and social as well as political. It has been an effective champion of economy, but once its suggestions for retrenchment have been met, has accepted the Government's proposals for fresh taxation. It has endorsed the measures which have been taken in the enforcement of law and order, including the arrest of Mr. Gandhi and the Ali brothers in 1922. Its relations with the Administration are reflected in the fact that the Governor of Bombay has on no occasion used any of his powers of overriding the Council: but, perhaps in consequence of its moderation, its influence on the Government of the Presidency has been constant and effective.

THE CENTRAL PROVINCES.

285. The course of events in the Central Provinces was very different. When the Swarajists were returned to the Council in 1923 with a majority, they not only refused office, but systematically withheld all supply for which their consent was necessary, and reduced the salaries of Ministers to Rs. 2 per annum. The Governor was forced to take over the administration of the transferred subjects, but in face of an adverse legislature, a progressive policy was impossible. The result of the Swarajist tactics was, therefore, to cripple those branches of administration upon which Indians lay most stress; the reserved departments went on as before. In the following year, the Swarajists modified their policy. As before, they voted salaries for Ministers so derisory that no Minister could take office; but they did not reject wholesale the grants asked for by Government for the administration of the transferred subjects. This position was maintained until April 1926, when the Secretary of State sanctioned the suspension of the transfer of the subjects ordinarily entrusted to Ministers. This meant the end of dyarchy for the time being, and the administration of all subjects by the Governor in Council, under the conditions applicable to the reserved field. The third Central Provinces Council met in January 1927. A Ministry was appointed, but lasted only a few days. Once more the transfer of subjects was suspended, and all departments were administered by the Governor in Council up to February 1928. Since then there have been two Ministries with an interval, during which dyarchy was again suspended.

The Indian Press.*

286. In the development of Indian politics and public opinion, which has taken place since 1920, the Indian Press has played a considerable part. Indian newspapers fall into two classes—those published in English and those published in one or other of the vernaculars. The first mentioned are further divided into newspapers owned and published by European interests, and those owned and published by Indians. The continental dimensions of India and the large extent of provincialisation, in political and public life, have tended to confine the circulations of Indian newspapers of all kinds—there are only a few exceptions—to the province in which they are published. Vernacular newspapers must obviously be confined to the area where their language is understood, but difficulties of time and space operate to limit the circulations, even of those printed in English, to the geographical area in which they can reach their subscribers earlier than any of their rivals.

Judged by English standards, the circulations of all but a very few Indian newspapers, whether in English or in a vernacular, are quite small, but an important difference is to be noticed between what may be described as the " sale " circulations and the " effective " circulations of the two classes. The comparatively restricted knowledge of English practically limits the reading of newspapers printed in that language to the educated and student classes, but vernacular papers can be, and are, read to illiterate hearers by their literate fellows in towns, villages, railway carriages, public meetings and so on. The " effective " circulation of many vernacular newspapers is, therefore, far greater than mere figures of sales suggest.

Indian-Owned Newspapers.

287. A broad view of the Indian-owned and edited press, both in English and the vernaculars, since 1920, shows a continuously growing freedom of criticism of the Administration, more and more insistent demands for political reforms of a comprehensive character, and, in many newspapers, a freedom, indeed a violence, of language, which, from time to time, brings within the scope of the criminal law the person put forward as Editor. The remarks made above in connection with the " effective " circulation of vernacular newspapers make this development worthy of special notice. Another feature of the writing in the vernacular press, which has assumed considerable prominence from time to time during the past few years, has been the volume and bitterness of inter-communal polemics.

One of the firstfruits of the Reforms of 1919 was the repeal of certain enactments, such as the Newspaper Incitement Act of 1908, and the better-known Press Act of 1910, which conferred extraordinary powers in the matter of Press control on the

* See also Part VII below—" Public Opinion in India."

Executive. Since the repeal, the Press has been subject to no other restrictions (if the Princes Protection Bill is excepted) than those imposed by the ordinary criminal law. From what has been said already, it is clear that the Indian Press has taken full advantage of the repeal; some newspapers indeed have exhibited a licence to which it would be difficult to find a parallel.

Their Influence on Public Opinon.

288. Although it is nowhere easy to estimate the influence exerted on public opinion by the newspaper press, the special circumstances of India make it possible, perhaps, to speak with some confidence of the influence of Indian-owned newspapers. Where there is practically no broadcasting, a comparative paucity of political organisations, and little opportunity of political education and guidance from other sources, assertions contained in a newspaper acquire greater power and prestige. When the Government is attacked, there is no one to defend it, and the most extravagant invention at its expense seems often to go unchallenged. It is difficult to convey how serious is the handicap to Government created by the absence of any effective exposition in the Indian-owned press of the reasons for action taken and of the facts on which it is based. It is not merely that a particular policy may be misrepresented; even more grave is the undermining of respect for authority and good order in general. The newspapers printed in English circulate among the most influential classes—lawyers, university and school teachers, business men, and so on. Some of them are produced with much technical ability and publish elaborate and well-written leading articles in support of their views. The almost complete absence of Indian-owned newspapers presenting the other side is very striking. The influence of vernacular newspapers is more extensive, and perhaps more important, for the less educated men who read them, and particularly the illiterates who hear them read, have still less to set against the printed word. What was said above about the effect of vernacular newspapers upon inter-communal antagonism illustrates this point.

There are very few examples in India of what we, in the West, call " party " newspapers. The European-owned newspapers represent, on the whole, the point of view of the Administration, whilst the bulk of Indian-owned newspapers, whether in English or the vernaculars, stand for various degrees of nationalist opposition, varying from insistent demands for further reforms for India to full-blooded advocacy of complete independence of the British connection. The only examples of true party newspapers are provided by Madras, where the Congress organ " The Hindu " and the non-Brahmin newspaper " Justice " carry on, at a high level of controversy, the struggle between the Congress and the moderately progressive political programme. There are a small number of Indian-owned newspapers which give support to the Administration, or at any rate discuss government policy with reason and restraint.

PART IV—THE ADMINISTRATIVE SYSTEM.

CHAPTER 1.—THE ADMINISTRATIVE SERVICES: THEIR ORGANISATION AND WORK.

289. Not the least of the difficulties of describing India and its administration is that the same terms mean very different things in India and in England. Here the Civil Service is a body of officials largely withdrawn from the public view, concentrated in secretariats at the centre of government and working for the most part immediately under Ministers. The work of a Home civil servant is specialised, but it is seldom technical. The Minister takes responsibility for the actions of his subordinates, and public criticism conforms to this understanding. In India, on the other hand, civil servants are distributed over the whole country and are engaged on duties of an extraordinary variety and technical difficulty; they will be found lecturing in universities or bridging rivers, fighting epidemic disease or dealing with widespread riots, excavating a prehistoric city or installing a water supply for a new one. There are, it is true, secretariats in Delhi and the provincial capitals; but the number of officials in them is relatively small. The great body of government servants do their work in "the districts" far removed from the headquarters of government, and in the public mind they carry an individual responsibility for the success or failure of the administration.

In a country of small cultivators, with no accumulated resources and little experience in organisation, except along the limited and traditional lines of the village community, private enterprise cannot undertake new and costly experiments. The task of bringing within reach of such a society the benefits of the administrative experience and the applied science of the West was possible for one agency only—Government; no other had the necessary knowledge or machinery. Thus the civil service of India, which in origin was little more than a revenue-collecting agency, gradually took upon itself a very wide range of duties. As the work became specialised, new services had to be created to carry it on, and in this way there grew up departments dealing with public health, education, forestry, agriculture, irrigation, archaeology, and many more. India looks to Government to do many things which in the West are done by private

enterprise. The object of this chapter is to describe the complex organisation that resulted from the haphazard origin of the services, and to illustrate from the work of typical departments their place in the government of India.

The All-India and the Provincial Services.

290. The whole of the Civil Service in Britain is appointed by one authority, and all its members have the same security for their rights and the same means of redress for their grievances. In India, this is far from being true. The first broad division is between the services engaged on matters which are under the direct control of the Central Government, such as state railways or posts and telegraphs, and those which work under the provincial Governments. The former are known as the "Central Services"; some of the officers of these services have been appointed by the Secretary of State and look to him as the final authority for the maintenance of their rights. The great majority of officers in the Central Services, however, are appointed and controlled by the Government of India.

There are two main groups of services working under the provincial Governments—the "All-India Services"* and the "Provincial Services." The first are appointed by the Secretary of State; the standard aimed at is a high one and the field of recruitment is the widest possible in Britain and India. On appointment, an officer is assigned to a province and undergoes a period of training in Britain or India. A recruit to the Indian Civil Service, for example, studies at one of the British universities the principal vernacular of his province and the legal systems with which he will be concerned. Unless he is transferred to service under the Central Government, he passes the whole of his career in the province to which he is first assigned; but he remains liable to service anywhere in India. Each of the All-India Services, notwithstanding its division among the provinces, forms a single service with a common status and a common standard of rights and remuneration. The greater part of the administration of India is, of course, carried on by the provincial Governments, and up to 1924 the All-India Services were in principle, as they still are in practice, the main agents of the provincial administration.

The second main group of services employed by the provincial Governments is the "Provincial Services."† They constitute the middle grades of the administration. These officers are appointed, not by the Secretary of State or the Government of India, but by the provincial Governments and the tendency is for each Government to confine its recruitment to its own

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* See para. 295.

† The name is misleading; it will be clear from what has been said that it does not include all the services working in the provinces.

province. This entails a limitation of the field of choice—a disadvantage which is greater in some provinces than others. Recruits are, in general, graduates of Indian universities. In many departments, the All-India Service and the Provincial Service dovetail into each other. In Bombay, for example, the charges of sub-divisions of a district are interchanged between Deputy Collectors from the Provincial Service and junior officers of the Indian Civil Service. It is convenient to bear in mind that "deputy collectors" belong to the Provincial Services and "assistant collectors" to the All-India Service. Further, a proportion of the posts for which the Indian Civil Service is primarily recruited are "listed," i.e., reserved for selected members of the Provincial Service—such as the charge of a District, or the post of District and Sessions Judge; for posts of the latter type non-officials with certain legal qualifications are also eligible.

The general result is that the personnel of a department of administration working in a province is drawn from two sources of recruitment, one an All-India source and the other provincial. In some cases it would only be the actual head of the department who is an All-India officer; this, for example, is usually the case with the Co-operative Department. But it is more usual to find the All-India contingent represented by a number of officers who fill the higher posts. Provincial recruitment not only mans the intermediate, but also furnishes the subordinate, grades. Thus, in the district the head of the revenue and general administration will be a Collector, who is in most cases an All-India officer. His immediate subordinates may be either All-India or provincial officers. Sometimes, indeed, the head of the district is a provincial officer. The two sources of supply merge into a common stream; the system of listed posts provides the opportunity for members of the Provincial Service to rise to higher posts for which All-India officers are primarily recruited.

Conditions in the Two Services.

291. An important matter which we shall have to consider is how far the administrative agencies of the provincial Governments should in future be services organised on an All-India basis, and how far they should be provincially recruited, and it is of some importance to make clear the differences in the position of All-India and provincial officers which arise out of the fact that the former are appointed by the Secretary of State and the latter by the provincial Governments. These differences are determined by provisions in the Government of India Act itself or by rules made under it. The more important rights of the All-India Services are the following:—An All-India service officer cannot be dismissed from his service by any other authority than the Secretary of State in Council. He has a right of appeal to that body, if he is adversely dealt with in important

disciplinary matters. The Governor of a province is required to examine the complaint of any such officer who thinks himself wronged by an official superior, and to redress the grievance, if he thinks it equitable to do so. No order affecting his emoluments adversely, and no order of censure on him can be passed without the personal concurrence of the Governor,* and orders for his "posting" to appointments also require the personal concurrence of the Governor. His salary and pension, and sums payable to his dependents, are not subject to the vote of any Indian legislature. Sums required to give effect to any decisions taken in his favour on appeal to a Governor, the Governor-General or the Secretary of State in Council are similarly protected. Finally, in connection with the introduction of the Reforms, provision was made (as will be explained in the next following paragraphs) that members of the All-India Services, with a few exceptions, may be allowed to retire before they have completed the service ordinarily required for retiring pension, and in this case they receive a pension proportionate to their actual service.

The Provincial Service officer, on the other hand, can be dismissed by the provincial Government which, subject to rights of appeal to the Governor, controls the conditions of his service. His emoluments have to be voted year by year by the provincial legislature, and he has no right to retire prematurely on proportionate pension.

Effect of the Reforms on the Services.

292. The Reforms had important effects on the services and, in particular, upon their European members. Criticism of the Executive by questions is a normal function of a legislature. But in the early years of the Reforms, members of the provincial councils had not learned the limits within which this method of criticism can usefully be employed—and to some extent this is still true. Questions were often directed to details of administration which at Westminster would be held to be best left to the directing heads of departments. And they were often aimed at individual members of the services rather than at Government, and in particular at members of the Indian Civil Service and the Indian Police Service.

Persistent criticism of this kind inevitably had a discouraging effect on services accustomed to a traditional respect. But there were other factors which aggravated their troubles. The non-cooperation movement of 1920-22† made the work of the head of the district and the police officials in some areas extraordinarily difficult. Nothing could be more depressing than the loss of the confidence of the common people who had always looked to the district officer for help in trouble. And at its worst the unrest involved officers and their families in personal discomfort and even in serious danger. Moreover, the economic

* This also applies to officers of the Provincial Services.

† See previous chapter, para. 272.

position of the services was at this time a source of great anxiety to them. The financial stringency of the post-war years made it difficult for the Government of India to adjust their emoluments to the new level of prices, and there can be no doubt that many officers, in particular British officers with heavy obligations for the education of their children, were very seriously embarrassed.

293. The Joint Select Committee on the Government of India Bill did not, of course, foresee the non-cooperation movement, or the economic strain on the services. But it had anticipated that there might be officers in the service to whom the new conditions would be so repugnant that they would wish to retire. The remarks of the Committee in this connection embody a principle which is as important now as it was then :—

> "The Committee think that every precaution should be taken to secure to the public servants the career in life to which they looked forward when they were recruited, and they have introduced fresh provisions into this clause* to that end. If friction occurs, a re-adjustment of persons and places may often get over the difficulty, and the Governor must always regard it as one of his most important duties to establish a complete understanding between his ministers and the officers through whom they will have to work. But if there are members of the service whose doubts as to the changes to be made are so deeply rooted that they feel they cannot usefully endeavour to take part in them, then the Committee think it would only be fair to those officers that they should be offered an equivalent career elsewhere, if it is in the power of His Majesty's Government to do so, or, in the last resort, that they should be allowed to retire on such pension as the Secretary of State in Council may consider suitable to their period of service."

294. In accordance with these recommendations, the Secretary of State in Council adopted a scheme under which All-India officers, selected for appointment before 1st January, 1920, and not permanently employed under the Government of India, were allowed to retire before they had completed the normal full service, on a pension proportionate to their length of service. This afforded a way out of the service to a considerable number of officers who were suffering under the accumulation of disabilities described above. By 1922, 200 All-India Service officers had retired under these special terms, and by 1924 the number had risen to 345. By far the greater number were officers of from 10 to 25 years' service, whom India could ill spare.

This exodus had a secondary effect which was equally serious. Recruitment in Britain for the All-India Services was suspended during the War, and the tradition that India offered a career for young men had hardly begun to revive, when it was confronted by the outspoken discontent of the services in India and the premature retirement of many officers whose records and capacity were above question. It is not surprising that the sources of recruitment in this country practically dried up.

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* Now section 96B of the Government of India Act.

While this situation was developing within the services, Indian political opinion concentrated on two points. The All-India Services were at this time mainly European in composition. Rules prescribing a progressive rate of Indian recruitment had been adopted, but the Preamble to the Act of 1919 declared "the increasing association of Indians in every branch of the Indian administration" to be the policy of Parliament, and Indian opinion did not accept as adequate the rate of Indianisation that had been established. It was, moreover, contended in some quarters that the recruitment and control of any service by the Secretary of State should cease altogether.

Recommendations of the Lee Commission.

295. These difficulties led to the appointment of the Royal Commission on the Superior Civil Services in India,* of which Lord Lee of Fareham was Chairman. It reported in 1924,† and save in detail its recommendations were accepted by the Secretary of State in Council and have been put into force. We summarise them in so far as they are relevant to questions on which we shall have to make recommendations.

The All-India Services with which the Lee Commission was primarily concerned, and their strength at the time of the Report are shown in the following table :—

	Strength.
(1) Indian Civil Service	1,350
(2) Indian Police Service	732
(3) Indian Forest Service (including the Forest Engineers Service)	417
(4) Indian Service of Engineers (comprising an Irrigation Branch and a Roads and Buildings Branch)	728
(5) Indian Educational Service	421
(6) Indian Agricultural Service	157
(7) Indian Veterinary Service	54
(8) Indian Medical Service (civil)	420
Total	4,279

The first three of these services and the Irrigation Branch of the fourth were operating in the reserved field, and comprise the services upon which public security and finance mainly depend. The Lee Commission, in these circumstances, recommended that the Secretary of State should continue to recruit for these services, and that his control, with the safeguards which that control involves, should be maintained. These four services—the Indian Civil Service, the Indian Police Service, the Irrigation Branch of the Indian Service of Engineers, and the

* The term "Superior" covered the All-India Services and Central Services of corresponding status.

† Cmd. 2128 of 1924.

Indian Forest Service outside Bombay and Burma—are now the only services the recruitment to which is still on an All-India basis.

The last four of the services in the table above, and also the Roads and Buildings Branch of the Service of Engineers, operated in the transferred field in every province. So did the Forest Service in the two provinces of Bombay and Burma. The Lee Commission recommended that the control of Ministers over some of these services should be made more complete by closing the recruitment for them on an All-India basis. The officers already in these services were free to remain, retaining their All-India status and privileges, but recruits for these branches of administration would in future be appointed by provincial Governments and would constitute Provincial Services. The services dealt with in this manner were the Education Service, the Agricultural Service, the Veterinary Service, and the Indian Service of Engineers (Roads and Buildings Branch). But the Lee Commission did not make the same recommendation as regards the Indian Medical Service, though it also fell within the field transferred to Ministers. It is true that the Commission recommended that in this department, as in other transferred departments, the recruitment and control of civil medical personnel generally should lie with the provincial Government on its transferred side, but it recognised two important considerations which differentiated the medical service from the others. These were:

(*a*) the necessity for maintaining an adequate reserve of medical men for the emergency of war, and

(*b*) the obligation which lay on the Secretary of State and the Government of India to maintain a supply of European medical men of high qualifications for the care of members of the European services and their families.

The Lee Commission accordingly recommended that, to provide for these obligations, each of the provinces should employ in its civil medical department a certain number of officers lent from the medical department of the Army in India. Such officers, of course, receive their commissions from the Crown, and have rights which are incompatible with " control " by Ministers in the sense in which that word is used in India.

The Commission in effect realised that the arguments for giving to the authority responsible for a department control over the services working in that department might, and should, be set aside, if that were necessary to enable the Secretary of State or the Government of India to discharge a responsibility laid upon them by Parliament.

Increased Rate of Indianisation.

296. As has been explained, recruitment for the services employed in the transferred field was handed over to provincial

Governments, and no restriction was placed upon them as to the source of their recruitment. Considerable delay took place in framing the machinery by which provincial Governments exercise their powers of recruiting and controlling these services, and recruitment has not proceeded very far; but so far as it has gone it points to rapid Indianisation.

In regard to the Indianisation of services which were still to be recruited by the Secretary of State, the Lee Commission reported as follows. For the Indian Civil Service, it recommended that 20 per cent. of the superior posts should be filled by the appointment of provincial service officers to "listed posts" (the phrase is explained in paragraph 290 above), and that direct recruits in the future should be Indian and European in equal numbers. On this basis, it calculated that by 1939 half of the service would be Indian and half European, allowing for Indians in listed posts.

For the Indian Police Service, direct recruitment was to be in the proportion of five Europeans to three Indians; allowing for promotion from the provincial service to fill 20 per cent. of all vacancies, this would produce, it was estimated, a personnel half Indian and half European by 1949.

For the Indian Forest Service (in the provinces in which "Forests" is reserved), the recruitment proposed was 75 per cent. Indian and 25 per cent. European; and for the Irrigation Branch of the Indian Service of Engineers, the Commission recommended direct recruitment of Indians and Europeans in equal numbers, with a 20 per cent. reservation of appointments to be filled by promotion from the provincial service.

Proportion of Indians in I.C.S., I.P.S., Irrigation and Forest Services.

297. We set out below the composition of these four services in 1929, with estimates of the position as it will be in 1939.

On the 1st January, 1929, there were in the Indian Civil Service, or holding Indian Civil Service posts, 894 Europeans and 367 Indians; for the 1st January, 1939, the estimate is 715 Europeans and 643 Indians.

For the Indian Police Service, the corresponding figures are 564 Europeans and 128 Indians on 1st January, 1929, and on 1st January, 1939, 434 Europeans and 251 Indians.

In the Reserved* Branch of the Indian Service of Engineers, there were 255 Europeans and 240 Indians on 1st January, 1929, and on 1st January, 1939, there will be 229 Europeans and 270 Indians.

In the Forest Services, in the seven provinces in which Forests is still a reserved subject, there were on 1st January,

* The Reserved Branch comprises the Irrigation Service and a certain number of other engineers in provinces where it has been found impracticable to separate irrigation from other departments of engineering.

1929, 134 Europeans and 76 Indians. Ten years later there will be 126 Europeans and 112 Indians.

The estimates for 1939, it should be clearly understood, assume a continuance of recruitment as between Europeans and Indians in the proportions recommended by the Lee Commission.

Another point which must always be borne in mind, if the total impression is to be just, is that the above figures refer only to the superior services; there are, as we shall see, other grades with a far more numerous personnel which is practically entirely Indian.

Effect of Lee Commission's Recommendations on Indian Educational Service.

298. As an example of a service in the transferred field, we take the Indian Educational Service. Recruitment for this All-India Service ended in 1924, in accordance with the Lee Commission's recommendation, future recruitment being left to provincial Governments. The effect of this change upon the progress of Indianisation in the Education Service may be stated as follows. On the 1st January, 1920, when the Indian Educational Service, including the Women's Branch of the Service, was still being recruited by the Secretary of State, it contained 218 Europeans and 39 Indians. Side by side with these officials, were the members of the Provincial Service at that date, who would be almost entirely Indians. As a result of the change of system introduced in 1924, All-India recruitment, whether of Europeans or of Indians, stopped, and, in substance, Europeans still in the service are officers who entered it before that date, and their number is gradually fading out. On the 1st January, 1929, there were 137 Europeans. On the 1st January, 1939, it is estimated that there will remain 55 Europeans, and in the course of another ten years, Europeans who joined the Indian Educational Service under the former system of recruitment will have practically disappeared. It is, of course, open to the provincial authorities to seek to recruit Europeans under the new system. To what extent they will endeavour or succeed in doing so must necessarily be a matter of speculation.

Total European Element in Services as a Whole.

299. These figures, it will be understood, cover only the highest branches of the administration—the branches which correspond with the Administrative Class of the Home Civil Service. But it is of some interest to give an indication of the proportion in which Europeans form part of the Indian services as a whole.

In the department known as General Administration, which comprises the Commissioners of Divisions, the District Officers

and their subordinates, there are, in round figures, 630 Europeans out of a total of 5,500, if the lower classes of subordinates are excluded.*

In the Police Services as a whole, there are 600 European officers and nearly 800 European police sergeants, out of a total of approximately 187,000.

In the civil medical departments, there are 200 Europeans in a total of nearly 6,000 fully or partly qualified medical men.

In the Education Services, there are 200 Europeans out of a total of about 1,500 officers in the higher grades. The subordinate services (which also include men of higher education, mainly graduates of Indian universities) add 11,000 more to the total.

In the Forest Services, there are 240 Europeans in a total of 16,000 and in the Engineering Department, 500 Europeans in a total of 7,500.

As an example of a central service, we may take the State Railways. The higher staff consists of about 1,500 Europeans and 700 Indians; the intermediate grades contain 2,000 Europeans out of 9,000. The total number of employees on these railways is over 800,000.

A final illustration may be taken from the Judiciary. From the High Courts down to the lowest grade of judges, there are 230 Europeans out of 2,500.

These figures show how small relatively are the numbers of Europeans in government employ. It will be realised, however, that they are, broadly speaking, employed at the top. The total number of members in the All-India Services and the central services of equivalent standing is about 5,250 of whom about 3,500 are Europeans. It must be remembered that, by adopting the higher rates of Indian recruitment introduced after the Lee Commission, the preponderance of Europeans in these higher ranks is constantly being reduced and will disappear.

British Recruitment in the Future.

300. The Lee Commission dealt not only with questions of methods of recruitment and Indianisation, but with the grievances of the Services themselves, and the special difficulties in the way of recruitment in England for All-India Services. Its proposals for the removal of service grievances were generally accepted as adequate. Its recommendations about British recruitment were designed to remove apprehension as to the effect on an officer's career of any constitutional changes that might be made thereafter.

In 1924 when the Lee Commission reported, the concession of premature retirement extended only to All-India Service officers who had entered the Service before 1920; and it was to continue in force until the action proposed to be taken on the Report of

* We have not been able to ascertain the total number of lower subordinates, such as village officers, in British India. But in the United Provinces alone they amount to about 28,500.

the Statutory Commission was known. The position would then necessarily be reviewed. It had been held that those who entered after 1st January, 1920, must be assumed to have informed themselves of the nature of the constitutional change which had taken place, and its probable effect on their work and prospects. The Lee Commission, however, recommended that any British officers who were employed in the reserved field should be free to retire on a proportionate pension, if at any time the department in which they were employed should be transferred to the control of Ministers responsible to the legislatures. The option was to remain open for one year from the date of transfer to the control of Ministers.

The improvement in the financial position of the Services and the safeguards for a career recommended by the Lee Commission, combined with an improvement in the political position in India, had two results. The retirements on proportionate pension decreased rapidly, and many officers who had taken leave preparatory to such retirement returned to duty. The effect on recruitment was equally good. Recruitment for the Indian Civil Service is now in a more healthy condition; and we are informed that men of the right type are coming forward in adequate numbers. We understand that Police recruitment also is in a good state. But recruits are difficult to obtain for the Irrigation Branch of the Indian Service of Engineers. There has been little recruitment required for some years in the Indian Forest Service, and it is hardly possible to estimate whether candidates could be readily found in considerable numbers.

Indian Civil Service (see paras. 308-322).

301. The technical account which we have given of the organisation of the Services is necessary for the understanding of certain connected constitutional questions. That constitutional questions should arise out of the organisation of a civil service will seem strange to anyone familiar with the British Civil Service alone; it is important, therefore, to bring out the contrast. We must attempt to indicate the very important role which the Indian Services fill in the government of the country. We do not propose to deal with the work of all of them. All that we aim at is to show, in the case of one or two departments, the scale and difficulty of the problems they have to deal with, and the immense importance of their contribution to the welfare of the peoples of India.

No account of the Services could be adequate, which did not deal with the work of the Indian Civil Service. Its primacy is justified not only by the range and importance of its activities, but by the distinguished and devoted public service rendered by both its Indian and its British members who now, as formerly, sustain its great reputation. But it is best dealt with in the chapter which follows, where we describe the machine of

government in operation both in the districts and in the secretariats. Here, therefore, we select some other branches as illustrations.

The Irrigation Department.

302. We take, as our first example, the work of the Irrigation Department. Its purpose is to bring the resources of engineering science to bear on adverse natural conditions which either leave immense tracts of India barren desert, while in other regions water is running to waste, or concentrate rainfall within a limited season, which by storage can be made available for times of drought. Lord Curzon's Government appointed a commission of experts to make a comprehensive survey of the best sources to be tapped and the parched areas to be supplied. The enquiry occupied nearly two years of intensive investigation, and the adoption of its resulting recommendations was found to involve a programme of construction which would take at least 20 years to carry out and which was calculated to call for a capital expenditure of £30 millions. In some areas, of course, important irrigation schemes had already been instituted or carried out, but the progress made in the last generation is astonishing. In 1926, 28 million acres, or nearly 13 per cent. of the total cultivated area of British India, was irrigated by government works. New projects under construction will add 10 million acres, part of them, in Indian States, to the total. In every province of India which is exposed to want of water, great works have been undertaken, such as the Sarda Canal system in the United Provinces (4,000 miles of main channels and distributaries, increasing by 50 per cent. the irrigated area of the province), the Cauvery reservoir project in Madras, the Sukkur Barrage in Sind (the largest work of its kind in the world) and a network of immense constructions in the Punjab—the last and greatest of them the Sutlej Valley works, which, when complete, will irrigate over 5 million acres. In the Punjab, over 10 million acres are already artificially irrigated. It is, as its name implies, a country of rivers, but the rivers are fed from the snows of the Himalayas, and much of the intervening country, left to itself, would be dry, unfruitful plain with a rainfall at most of 5 inches. Modern engineering skill has diverted water from the rivers and created on these barren plains three great "colonies" peopled from overcrowded districts elsewhere. The total of these "colonies" is 4½ million acres (roughly the size of Wales); and their total annual produce in a normal year has been valued at £20 millions. Irrigation has changed the Punjab from one of the poorest into one of the most prosperous of the provinces. The colonists, mainly small peasant proprietors, are the most thriving rural community in India, and the benefit of the vast outlay has gone in large measure to the people themselves. But the net profit to the provincial Government alone is over £1 million a year.

The following extract will make clear the technical difficulty of such work :—

> " . . . South-west of Lahore lay the desert of Montgomery, but the only river from which it could be irrigated, the Ravi, had already been tapped for Lahore and Amritsar. On the other hand, 200 miles further north, there was still plenty of water in the Jhelum. Could it be brought to Montgomery with the Chenab and the Ravi in between? This was the problem that the great canal engineer, Sir John Benton, set himself to solve, and this is the way he did it. Three canals were made. The first (the Upper Jhelum) took the spare water of the Jhelum and poured it into the Chenab, irrigating 350,000 acres on its way. Chenab and Ravi were then linked together by a second canal (the Upper Chenab), which irrigated another 650,000 acres in Gujranwala and Sheikhupura. Finally, the water that remained was carried across the Ravi by a level crossing—a barrage, 550 yards long, was flung across the river—and the third canal, the Lower Bari Doab, took it another 134 miles through Montgomery into the heart of Multan. The Lower Bari Doab Canal Colony, the third of the great colonies, is the result."*

The skill of the engineers who planned and carried out these irrigation schemes would be wasted without an adequate system of distribution. The water is carried by an intricate network of canals and smaller distributing channels to the fields of the cultivators, and the maintenance of the channels and the just distribution of the supply among the cultivators is of great importance. Failure to repair the distributaries or to clear them of silt inevitably means an inadequate supply on the fringe of the network. It may make all the difference between a good crop and a bare subsistence for the cultivator and in the end must seriously affect the return to Government for the very large capital expenditure incurred on the project. The branch of the Irrigation Service which controls the canals and subsidiary channels is, therefore, engaged on work of very great importance. Unjust or illicit distribution may lead to fierce disputing between neigbbours, and water in a thirsty land is a terrible temptation.

The Co-operative Department.

303. The work of the Co-operative Department is concerned not with defects in natural conditions, but with poverty and improvidence. The widespread indebtedness of the rural population is one of the most serious economic problems of India. Bad harvests, or customary outlay on the marriage ceremonies of his children, take the Indian peasant to the moneylender in the first instance, but the extent of his indebtedness often depends not on his needs, but on his credit. In the canal colonies of the Punjab, there is a high standard of rural prosperity, but this has tended to increase the mass of debt; prosperity is no cure for borrowing. Moreover the debt is largely unproductive; little of it is incurred for land improvement. The moneylender is not in the least concerned with the purposes of a loan; his

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* M. L. Darling: "The Punjab Peasant," p. 130.

policy is to entangle the debtor to an extent that will leave him with just enough of the product of his labour for the bare subsistence of himself and his family. The misery entailed in such a system is almost equalled by its economic wastefulness.

The extent of the evil is indicated by the following figures compiled for the Punjab a few years ago.* It is, as we have already observed, a country of peasant proprietors, and the economic progress of the province in the last 30 years has been very marked, and has extended to the whole population. Nevertheless, only 17 per cent. of the peasant proprietors were free from debt. The average debt was more than three years' net income of the debtor. The total rural indebtedness of India is estimated at £400 millions, most of which is probably quite unproductive.

"The problem of debt is almost wholly the problem of how to maintain the peasant proprietor upon his land in freedom and comfort."† Its solution is the aim of the Co-operative Departments in the different provinces. Their staffs are small, for the policy is essentially to help people to help themselves by associating in small groups for co-operative purposes. The most important of these is the provision of cheaper credit. But the object is not merely to substitute a moderate and reasonable creditor for the moneylender. The basis of the work of the department is that loans should be made for approved purposes only, e.g., for land or stock improvements; and that the local knowledge, the public opinion, and the common interest of small groups should be brought to bear to secure that loans are taken for approved purposes only and are repaid punctually. We have ourselves met groups of co-operators in the Punjab and their prosperity, cheerfulness and independence were striking testimony to the work of the Co-operative Department. There were in India in 1926 nearly 90,000 co-operative societies‡ with a working capital of nearly £50 millions and a membership of three and a half millions.

The economic value of such a movement, in conditions such as we have described above, can hardly be over-estimated. But its educative value, not only in thrift and foresight, but above all, in the advantages of common endeavour on a basis that cuts across class and social distinctions, must be almost as great. It is an education in affairs quite as valuable for the exercise of political rights as the education of the schools.

The Task of the Police.

304. The Police Department has a very different role from the two which we have just considered. It is the target of much political attack in its work to secure the essential conditions for the enjoyment of all the advantages of citizenship, but if the

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* Darling, "The Punjab Peasant", Ch. I. † ibid. p. 4.

‡ Not all of these are "credit" societies; the co-operative movement embraces other activities.

question arises of removing a police station, the outcry which immediately follows proves that the value of police protection is recognised. The Indian peasant is normally law abiding, but he is capable under excitement, and in particular under religious excitement, of serious violence. Small store is then set on life and limb. Even peaceful Madras ryots will beat each other savagely over disputes about water rights. Moreover, there are whole communities which are criminal by caste—theft is their recognised and only means of subsistence from birth to death. Even more dangerous, there are in some parts of India considerable elements in the population, which on the relaxation of police control, or any suspicion of it, turn to organised and violent crime on a wide scale. The interval which separates order from anarchy in India is narrow, as the non-cooperation movement showed.

The task of the police is made more difficult by the primitive state of communications in rural India. The area controlled by a police station averages 100 square miles and may be much larger. The area per policeman is five times as great, and the population twice as great, as in England. The number of superior officers is relatively small. For the whole of the Governors' provinces and a total force of about 187,000 men, there are, roughly, 1,000 officers, taking together the Indian Police Service and the higher grades of the Provincial Police Service. The absence of an active public opinion in relation to crime and of that readiness to assist the police in emergencies,* which is taken as a matter of course in England, adds very seriously to the difficulty of the work.

It will be natural to ask how such a force as this, recruited from various communities and often operating in times of tension, is affected in its duties by religious divisions. We have been assured that the record of the force in this respect is extremely good. A distinguished officer, who was in charge of an area notorious for the frequency and violence of its communal riots, told us that the Muhammadan constables in his force could be trusted to escort a Hindu procession playing music before mosques, and the Brahmin constables to perform the same service for a Muhammadan procession leading cows to slaughter. We put on record this very remarkable evidence of the loyalty and discipline of the rank and file. It seems to us to do no less credit to the fine leadership and strict justice of the controlling officers of the service.

The Double Role of the Medical Service.

305. The whole system of medical administration in India has been built up by the Indian Medical Service. It is primarily a military service, and all its officers are required to serve for some years as medical officers of the Indian Army. But a certain

* There are rare, but striking, exceptions to this general statement.

number are allowed to transfer to service under the civil administration, where their normal appointment is that of civil surgeon of a district. The civil surgeon is the medical representative of the provincial Government in his district. As long as the chairs of the District Board and of other self-governing bodies were occupied by the District Officer, the civil surgeon, working in close co-operation with him, could insure that measures which he thought necessary for the public health of the district would be carried out. But the new policy in relation to local self-government (which will be described in Chapter 4 of this Part of our Report) limited the effective powers of the civil surgeon for medical administration. Much of it is now the charge of local self-governing bodies under non-official chairmen, and the civil surgeon can now only offer advice where formerly, with the assistance of the District Officer, he had issued orders. He still remains, however, the medical representative of the provincial Government in the district in relation to any matter over which it retains direct control. In particular, he is in charge of the district hospital at the headquarters of the district.

As a result of the Lee Commission's recommendations, the number of Indian Medical Service officers employed under provincial Governments is now limited to those required to supply a medical reserve for the Indian Army in war and to provide treatment by European medical men for the European members of the services and their families. The medical staff of the provinces, over and above this, is now provided by provincial medical services.

It seems clear that the Indian Medical Service does not at present offer the same attractions as formerly to the medical profession, and recruitment has suffered. This may be a passing phase—other military medical services, such as the Royal Army Medical Corps, are no better off—but a failure in recruitment for the Indian Medical Service would be a very serious matter for India. The maintenance of the European element in other services is dependent upon the Government's ability to provide qualified European doctors for the treatment of officers and their families. A failure of supply would have other consequences besides. The achievements of the Indian Medical Service in the study of tropical medicine have been remarkable—Sir Ronald Ross's work on malaria is the most striking, but not the only example—and if such men are to have no successors, the public health of India will pay a heavy price for it. It has been stated that the deaths in India from preventible disease each year amount to five or six millions. The problems presented by such enormous figures can only be attacked by persistent research by highly trained and enthusiastic medical investigators, and a medical service recruited provincially in India will be no substitute in this regard for one with the exceptional standards and traditions of the Indian Medical Service.

But the Indian Medical Service could ill be spared for still another reason. Nothing impressed us more in the course of our journeys through India than the need, in all but the best hospitals, for the raising of the standards of medical treatment, and especially in such matters as equipment and nursing. We gladly recognise the enthusiasm of Indian public men for the improvement of medical facilities. But enthusiasm without adequate standards has its dangers; and the loss of contact with the standards and progress of Western medicine, which would be entailed by a failure of recruitment for the Indian Medical Service, would, we are convinced, be disastrous for the future of the public health of India.

Forest Administration.

306. Something must be said of the work of the Forest Service. In some provinces, the forests yield an important revenue to Government; in Burma it is nearly 20 per cent. of the total provincial revenues. But apart from this they constitute a valuable economic asset to the community. It is an asset which could easily be frittered away and the pressure for a short-sighted exploitation of forest resources is strong. If the best use is to be made of them, long views must be taken. It is not enough that Government should have a right policy in the matter; expert knowledge, professional enthusiasm and firmness in administration are essential in the controlling staff. From the nature of the work, defects in forest administration may not show their full effects for many years. The maintenance of the present standards of administration is, therefore, of great importance. The heads of Forest Departments in their evidence stressed the need for the maintenance of the European element in the Service and we were the more impressed by their view because the life of a forest officer, which has many attractions for young Englishmen, makes less appeal to the educated Indian than a career in any other service.

The Personal Touch.

307. We have dealt with a few departments among many, not because we regard them as more remarkable than others, but because, by their contrasts, they illustrate the wide range of the work of the public officials of India. That work offers wide opportunities for service, and imposes great responsibilities towards the community. There is one aspect of it upon which we have not dwelt. The Services grew up under a regime which permitted, and even fostered, initiative and resource to an extent unknown, and indeed impossible, in the civil service of a concentrated democracy like our own. The isolation of the individual official—the sudden call for personal decision—the special knowledge of local conditions possessed by the officer on the spot—the trust of the mass of the population in the person

they know—all these have made civil administration in India depend on the man, rather than on the machine. And so long as the officer had the confidence of his chiefs, he was left a very wide discretion.

The success of the work of the higher services and the distinguished reputation they have always borne are in no small measure due to this freedom of action. The coming of the Reforms and the growth of a public opinion, or a press opinion, which is highly critical, have necessarily involved more control from headquarters. But centralised direction of skilled officials, devoted to their work and trusted by their district, can go too far. The great mass of the people desire personal rule, and we believe that for many years to come there can be no adequate substitute for it. The tradition of India is that the man with a grievance and the man who decides how the grievance is dealt with should meet face to face. Personal rule does not mean the autocracy of the Services; but it does mean that, within the range set by its general policy, Government entrusts to its responsible officials in the districts a wide discretion, and supports them in the exercise of it against unreasonable criticism. It is only by the maintenance of such relations as these between Government and its servants that the best sort of administration can be provided for the wide areas of British India.

CHAPTER 2.—THE DISTRICTS AND THE SECRETARIATS.

The District as the Unit of Government.

308. Apart from exceptional areas such as the Presidency towns, every inch of soil in British India forms part of a "District," and at the head of every District there is an officer —known in some provinces as the Collector and in others as the Deputy Commissioner—who is in the eyes of most of its inhabitants "the Government." The system has some roots in the past. Akbar, for instance, sub-divided all Bengal into *sarkars*. But until the establishment of British rule, there never existed the settled administration, discipline and strong supervision which are essential if single officials are to be placed in charge of areas as large as Indian districts and allowed the degree of independence which has been given to the District Officer within the limits imposed by law and precedent. The scope of his functions has varied from time to time. The conception of his office, as it became established in Bengal after many experiments, and as it was extended throughout British India, is expressed in the following quotation :—"It is the Lieutenant-Governor's wish," wrote Sir George Campbell, the Lieutenant-Governor of Bengal, in 1872, "to render the heads of districts no longer the drudges of many departments and masters of none, but in fact the general controlling authority over all departments in each district . . . . he has, therefore, striven to make the Magistrate-Collector of a great Bengal district, generally comprising one and a half to two and a half millions of inhabitants, the real executive chief and administrator of the tract of country committed to him, and supreme over everyone and everything except the proceedings of the Courts of Justice."

District Sub-divisions.

309. The District, being too large to manage as a single unit, is always sub-divided for administrative purposes. The divisions are called in nearly all provinces *talukas* or *tahsils*, and from about four to ten of these form the District. These terms date from pre-British times. Under the Peshwas, the authority of the *mamlatdar* (as the head of the *taluka* is still called in Western India) within his small charge was immense, and if the paths of a village when he came to inspect it were so ill-swept that a thorn pierced his foot, it fared ill for that village. His modern representative is a revenue officer and magistrate on small pay, but his duties and responsibilities are large. He must know the conditions of every village and the work of every village headman or accountant in his *taluka* in an intimate fashion to which no District Officer can aspire. The Indian

peasant is diffident and would often endure injustice or hardship until desperation drove him to extreme measures. Accessibility to all and constant visiting of all parts of a territorial charge are the methods by which abuses or economic hardships may be detected and their consequences forestalled. The integrity, common sense and knowledge of the senior Indian subordinate, of whom the *mamlatdar* is representative, are essential elements in an administrative system in which higher control is light, jurisdictions wide and the personnel of the superior grades very small. He has his parallel in all services, such as the inspector of excise, the inspector of police and, we may add, the *subadar* of an Indian regiment. The numbers of the All-India and provincial services are so small, and the territories for which they are responsible are so large, that much depends on the existence of a reliable subordinate agency, and it is one of the best achievements of British rule that this has been created. It must be remembered that the so-called subordinate is usually separated from his immediate superior by long distances and acts from day to day on his own responsibility. To the evolution of the higher Indian subordinate the training, organisation and example which British officials have given have largely contributed, but these would have been wasted had there not everywhere existed human material endowed with capacity and a strong sense of loyalty, often fortified by long traditions of public service.

Divisional Commissioners.

310. We will first consider the relation of the District Officer to the provincial administration as a whole, and afterwards the position he occupies in his own District. In all provinces except Madras there are Commissioners in charge of groups of some four to eight Districts called "Divisions." Since Divisions are so large, it will readily be understood that the resident of a District, in dealing with a Collector, is scarcely aware that the Collector is bound by close obedience to a superior officer. The Commissioners are, indeed, not purely supervisory. They have specific statutory powers of their own, and in some provinces exercise almost direct control over certain branches of district work, particularly in relation to local self-governing bodies. The Commissioner is necessarily in less close contact with the general population than the Collector, and this goes to explain why so much of Indian opinion tends to consider him an unnecessary link in the administrative chain. It is clear, however, that his elimination would involve the provincial Governments not only in the loss of expert advice, but in the necessity of direct communication with a large number of heads of Districts and in interference in matters which at present need not come to headquarters at all. The tradition of official administration in India is against the creation of large central establishments. The inevitable discontinuity in the personnel of the higher posts in

the Districts due to emergency changes and other causes—a feature which has increased since the Reforms—may result in there being at a particular juncture no very experienced officer in a group of Districts. Hence the importance of having available the help and advice of the Commissioner.

Boards of Revenue.

311. Between the Commissioner and the provincial Government in all provinces except Bombay there is a Board of Revenue, or its equivalent, a Financial Commissioner. "In their administrative capacity," said the Montagu-Chelmsford Report, "these constitute the chief revenue authority of the province, and relieve the provincial Government of much detailed work which would otherwise come to it."* But a change is here taking place. The approach to responsible government has naturally led to the transfer to the provincial Governments of some of the independent powers with which Boards of Revenue were endowed. Those of the United Provinces Board, for instance, were, by an Act of 1922, reduced to the control of the settlement of land revenue and the administration of most of the government estates; their functions in respect of all other branches of land revenue administration, including control of the subordinate revenue services, were transferred to the provincial Government.

The Secretariats.

312. So large a part of Government business, including normally all communication with the general public, is done in India in the Districts, by the district and departmental officers who are constantly on tour within them, that the Secretariat of a provincial Government is usually small enough to be located in a single building. Here all the Members and Ministers have their offices. The arrangement makes for a far simpler method of inter-communication between the branches of the secretariat than is possible between the British departments located in Whitehall. In India, the "department" is an administrative unit, separate from the secretariat, which reaches its apex, usually, in a single officer like the Inspector-General of Police, or the Chief Conservator of Forests, outside the secretariat altogether. Such a head of a department will usually be concerned principally with a single Secretary to Government and a single Member or Minister, for his orders and the funds which he is to spend. But this is not always so. A Commissioner of a Division, who ranks as an administrative head in the Revenue Department, will receive his orders not only from the Revenue Member, but from the Minister for Local Self-Government and from other Members and Ministers besides. Occasionally a head of a department is constituted a Secretary to Government for the work of his department; for instance, in one province the

* M/C Report, para. 122.

Director of Public Instruction is also Education Secretary. But this is not usual. The secretariat is, for the convenience of its own internal working, also subdivided into departments, and in charge of one or more of these departments is a Secretary to Government whose position is analogous, in relation to the Member or Minister, to that of the permanent Under-Secretary of a British department. He receives communications principally from the heads of the administrative departments. From this general description of a Secretary's functions, the Finance Secretary and the Legal Secretary must be differentiated. They deal with no administrative departments, but are concerned with the internal working of the Government. The number of secretariat departments is considerably greater than the number of Secretaries. But the method of organisation is not as a rule for a Member or Minister to have charge of a self-contained secretariat department or group of departments, presided over by one or more Secretaries. The existence of dyarchy would in itself make such an arrangement impossible. For example, Education in a province, while mainly "transferred," is also partly "reserved," but a single Secretary has charge of both branches, and is thus necessarily under the orders both of a Minister and of a Member. He often has charge of other secretariat branches as well. Co-operation and Agriculture are, in the secretariat organisation of some provinces, linked with revenue administration, and fall within the province of the Revenue Secretary, who is, therefore, also subordinate both to a Member and a Minister. The divergencies in the portfolios of Members and Ministers on the one hand, and of Secretaries to Government on the other, are not due merely to the existence of dyarchy. The considerations which determine the grouping of secretariat departments under Secretaries, and the considerations which determine the constitution of Members' or Ministers' portfolios are not the same; but the secretariat being a single unit, this arrangement does not result in inconvenience.

313. At Delhi and Simla, on the other hand, the Governor-General has charge of the combined Foreign and Political Department, one Member of his Council has charge of two other departments (Commerce and Railways) and each of the remaining six Members of his Council has charge of a single department.* In other respects, the organisation of the provincial and central secretariats follows the same lines. The "rules of business" which regulate the conduct of work of the departments are, under the powers conferred by the Government of India Act, framed for the provincial secretariats by the Governors and for the central secretariat by the Governor-General. Decisions on all important matters are taken by the Members of the Government of India in consultation with the

* See Chapter 9 of Part II, paras. 182–3.

Governor-General and by the provincial Members and Ministers in consultation with the Governors. It is usual for the Governor-General, as also for a provincial Governor, to give interviews not only to the Members of his Cabinet, but to the Secretaries of the departments at least once a week.

The Provinces as Agents of the Centre.

314. The provincial Governments, and a number of officers serving under them, are not exclusively engaged with the administration of provincial subjects. Though the business of government is now divided by the Statute into two independent categories, central and provincial, the instrument which conducts this business has only been divided into central and provincial agencies when the division offered definite advantages. Thus, a Central Board of Revenue has been established, since the Reforms, to administer the sources of central revenue, such as income tax, customs duties and salt. But the administration of many central subjects can be more conveniently transacted in combination with the administration of provincial subjects by officers serving under the provinces, who thus devote either the whole, or more usually part, of their time to central subjects. Among central subjects administered in this way by the agency of provincial Governments under the direction, and (if the business involved is at all considerable) at the cost of the Central Government, we may give as examples archaeology, cantonments, ecclesiastical matters, passports, arms, explosives, emigration and immigration. Relations with such States as have not been taken under the direct control of the Governor-General in Council are conducted by the Governors in Council of the provinces in which these States are situated. In some instances, the Central Government is responsible for duties which can be more conveniently discharged as if they were part of the responsibilities of Ministers for transferred subjects. But the Ministers can, in such cases, act only as partners in a business agreement with the Central Government, not as its subordinate agents.

Interdependence of Districts and Secretariats.

315. Though the Members and Ministers receive their papers and issue their orders through the Secretaries, they rely upon heads of departments and district and divisional officers for the greater part of the materials upon which their decisions are based. Indeed, provincial Governments depend as much upon the experience of their officers in the districts in all general matters as they depend upon their experts for technical advice. It is an accepted principle that efficient secretariat service, both in the provinces and at Delhi, depends upon a constant interchange of personnel between the districts and the secretariat, the provinces and the centre. Modern conditions—the fall in

the numbers of All-India officers, the expansion of government activities, and the new qualifications demanded by the contact of officials with the legislatures—have rendered Governments less ready to part with capable Secretaries. But the general method of administration through the district-unit appears to us as firmly established as it has ever been. Experience gained with the Central Government or at the provincial secretariat is, in the system of Indian administration, as much an asset to the provinces or districts as recent and intimate knowledge of the districts and provinces is invaluable in the local and central secretariats. Circulation between them makes for the vigour of the whole.

The District Officer.

316. The position of the Collectors in the Districts may be reviewed from two aspects; the part which they are expected to play in the administration of their Districts, and the status they occupy in the eyes of the people of the Districts. In its early days, the British administration in the Districts was conducted, as under the systems which preceded it, by a single organisation controlling all government activities, and it is this organisation which the Revenue Department and the District Officer now represents. Nowadays, each District has its body of district heads of departments, each of whom looks to his own provincial departmental chief—the Inspector General of Prisons or Jails, the Surgeon General, the Chief Conservator of Forests or the Chief Engineer—for control. But, except in matters of pure routine, the Collector must be informed of almost every activity in all these departments, because it must impinge at some point upon the operation of the primary government agency in the District. The wide range of a Collector's duties has been noted by every writer on Indian administration and is thus described in the Joint Report:—

> "The district officer has a dual capacity; as Collector he is head of the revenue organisation, and as magistrate he exercises general supervision over the inferior courts and, in particular, directs the police work. In areas where there is no permanent revenue settlement, he can at any time be in touch through his revenue subordinates with every inch of his territory. This organisation in the first place serves its peculiar purpose of collecting the revenue and of keeping the peace. But because it is so close knit, so well established and so thoroughly understood by the people, it simultaneously discharges easily and efficiently an immense number of other duties. It deals with the registration, alteration, and partition of holdings; the settlement of disputes; the management of indebted estates; loans to agriculturists; and above all, famine relief. Because it controls revenue, which depends on agriculture, the supreme interest of the people, it naturally serves also as the general

administration staff . . . Several other specialised services exist with staffs of their own . . . but in varying degrees the district officer influences the policy in all these matters, and he is always there in the background to lend his support, or, if need be, to mediate between a specialised service and the people."*

District Superintendent of Police.

317. The relation between the District Officer, in his capacity as District Magistrate, and the District Superintendent of Police needs to be defined in somewhat greater detail. The District Magistrate, as chief executive authority in the District, is primarily responsible for the maintenance of law and order and the criminal administration of the District, and for this purpose the police force is under his control and direction. The District Superintendent of Police is the District Magistrate's assistant for police purposes, and it is his duty to keep the latter fully informed, both by personal confidence and by special reports, of all matters of importance concerning the peace of the District and the state of crime. On the other hand, the District Superintendent of Police is the head of the district police force. He is responsible for all matters relating to its internal economy and management, for the maintenance of its discipline, and the punctual and regular performance of all its preventive and executive duties. In effect, therefore, the two officers work together. For example, the District Magistrate would consult with the District Superintendent of Police before issuing a notice that a procession must go by a particular route.

Work of District Officers since the Reforms.

318. The process of specialisation and differentiation of government work, which, as we have seen, has long been in operation, has proceeded at a greater pace since the Reforms than ever before. Relief from such a technical duty as the assessment of income tax, which has generally been given to the provincial revenue departments since the Act of 1919 transferred the whole of income tax receipts to the Central Government, has not absolved the District Officers and their staffs from the duty of placing their knowledge and organisation at the service either of the new department or of the people in their relations with each other. Similarly, while the transfer of Municipalities and Local Boards to non-official control, to which the Reforms gave a great impetus, has to a large extent removed the actual responsibility of the District Officer for local government, he is still intimately concerned with the effects of the policy and individual acts of self-governing bodies upon the people of the District. It may be that he no longer frames the budget of local bodies or presides at their meetings, but on every one of

* M/C Report, para. 123.

the innumerable matters which may require the orders, assistance, advice or interference of Government, it is to the District Officer that the non-official president or member of a local body, the Commissioner or Minister, as well as the ordinary citizen, will naturally look.

The establishment of dyarchy has not meant that District Officers are exclusively concerned with one side of provincial administration; in the ordinary case, a District Officer has work to do both for Members and for Ministers. He may well find that his work brings him more into contact with Ministers than with Members. One effect of the Reforms has been that all officials in the Districts spend much more time than before in supplying materials from which answers are given in the provincial legislatures.

As fast as old responsibilities are lessened, new laws and new extensions of Government action place fresh duties upon the District Officer. Almost every piece of social or economic legislation, whether provincial or central, even if it does not call him in as the deciding authority, relies upon his assistance in some less defined way. His special authority arises, as before, from the combination in one person of the chief administrative and magisterial authority of the District. The question has been raised whether the same individual ought to exercise both administrative and judicial powers, and some considerations bearing on this point may be added here.

Executive and Judicial Powers.

319. The abstract proposition that there ought to be no confusion between the function of the Prosecutor and the function of the Judge is not disputed by anybody, and in the same way the abstract proposition that a man who is trying a criminal should try him in a purely judicial spirit, and not be influenced by anxiety as to promotion or prospects, is equally self-evident. But the practical difficulties of meeting all the objections are considerable. It is pointed out that there is a side of magisterial work which must be regarded as preventive rather than punitive, and that it is of great importance especially in a country where crime is unfortunately so rife, and where breaches of the peace of the most serious character may arise at the shortest notice, that the head of the district administration should be sufficiently armed to be able to deal effectively with the danger of upheaval and outbreak. The practice is that the District Magistrate, when he anticipates trouble in a particular town or area, calls on a sufficient number of Subordinate Magistrates, whom he selects because of his knowledge of their attainments and strength of character, to concentrate at the point of danger not only for the purpose, if need be, of directing an unlawful assembly to disperse, but for the actual business of managing the crowd and limiting the risk of collision. The contention of the authorities is that for this purpose it is very desirable that the District

Magistrate should know his men. No doubt it is difficult to draw a precise line between what is preventive justice and what is purely judicial work, but the case is manifestly a much stronger one for change, if a practical solution can be found, when one considers the purely judicial function of trying an accused upon a charge of crime or of hearing a criminal appeal.

In the great centres of population like Calcutta and Bombay, revenue and magisterial powers are not combined in the same hands, and generally as the towns grow the natural increase of work results in an increase of officials and a sub-division of duties. But to the simple villager a multiplicity of local officials does not commend itself.

Local Influence of District Officer.

320. It is difficult to convey to an English reader how great is the prestige of the Collector of a District among the inhabitants whom he serves. To most of them, as we have said, he is the embodiment of Government. The authority which he derives from his statutory powers is augmented by the constant exercise of advice and direction in matters where he is expected to give a lead. He wields large powers of patronage; he is responsible for making a vast number of minor appointments, for instance, of village headmen and accountants, of revenue officials and office clerks. His recommendations for honorary magistrateships and nominated membership of all local self-governing bodies are ordinarily accepted. He can grant seats at ceremonial functions such as "durbars" (much prized as social distinctions), and the coveted Indian titles and honours, and other rewards, are usually conferred at his suggestion. The preservation of this influence is of the utmost concern to the Administration. Many everyday matters which might involve merely tedious disputes, or even civil action, quickly reach conclusive settlement when brought before the Collector. The same influence becomes of manifest public advantage when more serious conflict threatens. It is not by his success in putting down communal riots that a Collector is judged so much as by his success in preventing their occurrence. We have already pointed out in another connection how greatly the influence and authority of a British official are increased in times of communal stress by the circumstance that he wields his powers as a neutral between contesting forces, but, whether British or Indian, the Collector has to call into play, in times of crisis, all his influence through many channels. He threatens, he warns, he remonstrates with everyone who can stem the rising tide of impending strife. It is not by virtue of his powers as District Magistrate alone that he can succeed: it is only because, as Collector, he has numerous sources of influence that can be brought to bear in the right quarter. If his range of influence were less varied, he would find it more difficult to prevent trouble.

The Effect of the Reforms on the Services.

321. What has been the effect of the Reforms upon the members of the superior services? The Montagu-Chelmsford Report anticipated that the changes which it recommended would considerably affect the lives and functions both of the officials who worked in the secretariats and of those who were in the Districts. The authors of the Report looked forward to the day when general administration and control would figure less prominently among official duties than the giving of technical and expert advice, and the achievement of results become secondary to the duty of helping Indians to manage their own affairs.*

The anticipation that officials would under the Reforms rapidly pass from being administrators into the position of advisers has only been very partially fulfilled. It is true that, except in one province, Collectors are not as a rule chairmen of local bodies. On the transferred side of administration, the District Officer has much less opportunity of influencing policy than before. But whatever change may be taking place must come about slowly. Indeed, in judging the success of the Reforms, it must always be remembered that the results at present disclosed are due in no small measure to the continuing influence and assistance of officers who have gained their experience under the previous system; to this extent, the machine of government has moved under its earlier momentum. Moreover, there are special circumstances which have tended to preserve the authority of those who represent the previous administration and to put on their shoulders great administrative responsibility. After the War, the numbers of the All-India Services were for a time seriously reduced and Indians from the Provincial Services were promoted to hold junior district posts. This fact alone would have thrown a heavy administrative burden on the remaining All-India officers. But apart from this, the circumstances of the last ten years have called forth all their energies in the discharge of the primary duties of government. A constant watch has had to be maintained upon extremist movements which have tended to assume a more revolutionary form and, in certain areas, to affect the mass of the population; communal disorders have been far more frequent and widespread than ever before; and long continued financial stringency has involved unremitting attention to the details of administration.

In the result, the Services in general have been far too busily engaged in attending to the machine of government to assume a detached role. It is a continuance and enhancement of their previous exertions rather than a substitution of advice and consultation for action and decision that have been demanded. The

* M/C Report, paras. 323-327.

Reforms have increased the opportunities for contact and co-operation between officials and non-officials, and though individual non-officials who have undertaken public duties may have sought to emphasize their independence of official control, many have shown a greater deference to official advice than their position actually imposed upon them. Another result of the Reforms has been to increase the call for officials to serve at headquarters. The inevitable result is a diminution of district experience and of contact with village life. Moreover, in some provinces, it has unfortunately happened that in the pursuit of economy the opportunities given to officials serving in the Districts of travelling throughout their charges have been curtailed. But it is not generally true that the attitude of the villager has changed or that the satisfaction which comes from close and continuous association with him and his daily cares and interests is now denied to the British official. It is rather that official work is more impersonal than it used to be, and that the probability of long service in a District with the intimate knowledge and personal friendship with men of all classes which it brings, is much less to-day than before.

322. The conditions under which district administration is being carried on to-day are still changing; the adjustments which the Reforms demanded are still going on; and the reorganisation of the Services which the policy of the Lee Commission involves is still incomplete. But no changes or adjustments are likely to alter the central fact that the District Officer must remain a very important person, the embodiment of effective authority, and the resource to whom the countryside turns in time of difficulty or crisis. The respect in which he is held, and the influence which he wields, reflect the preference for personal and visible authority, which will endure though that authority is the spokesman and instrument of responsible government. In no future that we can foresee, will the post of a District Officer cease to be one which calls for those qualities of integrity and decision, which so many of the best kind of public servants have exhibited in the service of India.

CHAPTER 3.—THE JUDICIARY.

323. If the strength of the Executive is the ultimate guarantee of peace and tranquillity, the efficiency and integrity of the judiciary are an essential condition of public contentment and confidence in the administration. Of no country is this more true than of India, for nowhere do the courts come into closer or more frequent contact with the people. The readiness of many Indian races to have recourse to courts of justice for the settlement of disputes has always struck Western observers and is deplored by many Indians to-day. Some idea of the volume of litigation may be gleaned from the fact, noted elsewhere, that in Bengal judicial stamps are a source of public revenue to the provincial Government second only to land. The almost universal confidence reposed in the impartiality and capacity of the higher judiciary is, therefore, of the greatest value to the administration, and its retention of the utmost importance.

The Lowest Civil and Criminal Courts.

324. The organisation of the judicial system, which is, of course, a provincial subject, varies slightly from province to province, but a picture of one provincial judiciary will suffice as a guide to the understanding of all. We, therefore, take Madras, for which we have the most detailed figures.

In that province, criminal and civil law are, at the lowest and again at the higher stages, administered by the same courts, but at the intermediate stage by different courts.

The lowest judicial authority—whether it be the village headman, who is a government official generally holding office by virtue of hereditary right, but drawing a small salary varying between 10 and 20 rupees a month, or a village *panchayat** (a body elected in Madras on a universal adult male franchise)—has jurisdiction over a village or group of villages. It can deal, of course, only with petty cases, whether civil or criminal, that is, civil suits where the value of the claim does not exceed Rs.50, or, where both parties consent in writing, Rs.200, and criminal cases in which the punishment may be a petty fine or confinement in the village office or the village stocks for a few hours. In 1928, 1,392 village headmen and 2,326 *panchayats* exercised criminal, and over 7,500 headmen and 3,200 *panchayats* civil, jurisdiction in the Madras Presidency. The exercise of judicial functions by *panchayats* is peculiarly well developed in Madras.

Magistrates.

325. At the next stage there is bifurcation. The criminal law is administered by magistrates, both salaried and honorary. Of salaried magistrates, the chief is the District Magistrate, who is also the Collector and District Officer. He exercises supervision over all magistrates in the District, but does not himself

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* See next chapter, para. 347.

find time to try many cases: under him are the Sub-divisional Magistrates, who in turn have certain supervisory powers within their areas. In regard to ordinary criminal cases, these magistrates have almost always the full or "first class" magisterial powers of passing sentences of imprisonment up to two years and fines of Rs.1,000. They have also appellate jurisdiction over magistrates not fully empowered, powers of "committing" more serious cases to the Sessions Court and powers of taking bonds to keep the peace or be of good behaviour. The District and Sub-divisional Magistrates may belong either to the Indian Civil Service or the Provincial Service, and may be either Europeans or Indians; but to whichever service or race they belong, their powers and responsibilities are the same. The Tahsildar, or chief revenue officer in a taluq, whose maximum salary is Rs.250 a month, or £225 a year, is usually a second class magistrate, but in the Madras Presidency seldom acts as such. His immediate subordinate, the Deputy Tahsildar, is sometimes similarly empowered. Last come the Sub-Magistrates, whose pay varies between Rs.125 and Rs.200 a month (i.e., from £112 to £180 a year). These exist only in Madras, and do the bulk of the magisterial work of the Madras districts. They have restricted powers. They are usually drawn from the revenue staff of the District and on promotion usually rejoin it. They, the Deputy Tahsildars and Tahsildars, are recruited locally and appointed by the provincial Government without reference to the High Court. Honorary magistrates, whether sitting singly or in benches, are found principally in urban centres and assist considerably in the disposal of criminal work.

The exact hierarchy and the names employed for different grades of magistrates differ in different provinces, but this example from Madras will suffice. It will be seen that (except in the case of the Sub-Magistrates, who are whole-time judicial officers), salaried magistrates are usually revenue officers as well. They are appointed by the provincial Government, and the High Court has normally no voice in their selection.

326. The civil law, like the criminal law, is at this intermediate stage dispensed by separate courts, the two classes of civil judicial officers of the lower grade being, in Madras, *Munsiffs* and Subordinate Judges. These officers are recruited in the province and draw salaries of from Rs.200 to Rs.750 a month (£180 to £675). In Madras, the High Court is by law entrusted with their recruitment. A similar power is not, however, possessed by all other High Courts, though in all the provinces in which the power of appointment rests in the hands of the Executive Government, the recommendation of the High Court is usually accepted.

The District and Sessions Judge.

327. Exercising appellate jurisdiction over the magistrates on the one hand, and over the civil judges of the District on the other, as well as the highest original jurisdiction in the District, both criminal and civil, is the "District and Sessions Judge."

Only a proportion of these judgeships is reserved for members of the Indian Civil Service; the rest are filled by appointment from the Provincial Judicial Service, or directly from the Bar. The selection and appointment of District and Sessions Judges rest with the Government, though here again the views of the High Court carry great weight.

Presidency Courts.

328. There are special arrangements for the disposal of judicial work in the three Presidency towns. In each, there are Presidency Magistrates for certain classes of criminal work, and the High Court of the Presidency occupies the place which the Sessions Judge holds in a District in respect of criminal appeals and the more important original criminal work. Under the Presidency Towns Small Causes Act, there are civil tribunals with considerable jurisdiction.

The High Court.

329. The High Court is the supreme judicial tribunal of the province. It is the final link in the local chain of judicial authority exercised, on the criminal side, through the District Magistrate and Sessions Judge in the District, and the Presidency Magistrates in the Presidency towns, and, on the civil side, through the District Judge and the City Civil Courts, where these exist. It has appellate or revisional jurisdiction and powers of supervision over all judicial authorities in the province, and is in most cases the final court of appeal.

We shall give some further details in regard to the composition and powers of the High Court, because of the very important part it plays in the judicial administration of the province and the important effect which the general confidence in the High Courts in India has on public opinion.

The greater part of British India is under the jurisdiction of one or other of the High Courts established by Royal Letters Patent made under statutory authority—commonly called the Chartered High Courts. The jurisdiction of these Courts is not always co-extensive with the area of a province. Assam is under the jurisdiction of the Calcutta High Court, while Sind and Oudh are excluded from the jurisdiction of the High Courts at Bombay and Allahabad respectively. Oudh has been provided with a Chief Court. The Central Provinces and Sind each have a Judicial Commissioner. These Courts have practically the same powers and duties as the Chartered High Courts and are included in the definition of High Court for the purpose of Indian legislation. From these Courts, as from the Chartered High Courts, an appeal lies direct to the Privy Council. The judges of the Chartered High Courts are appointed by His Majesty and hold office during his pleasure. One-third of them must be barristers of England or Ireland or Members of the Faculty of Advocates in Scotland of not less than five years standing and one-third must be members of the Indian Civil Service. The

constitution of the other "High Courts" is determined by Indian legislation.

In the interpretation and application of the law, High Courts are of course in no way subject to the executive authority of Government, and except in the few cases in which appeals from decisions of these courts lie to the Privy Council, they constitute in the purely judicial field the final court of appeal. The Executive Government exercises, it is true, a measure of control over the administrative functions of High Courts, but this leaves the latter's judicial powers untouched. A difference is observable in the relations which subsist between the Executive and the various High Courts. The High Court of Bengal, as a consequence partly of historical development, is peculiar in that the executive authority exercising control over it is the Governor-General in Council, and not the Governor in Council, as in all other cases. This has the anomalous result that, while the Calcutta High Court is for all practical purposes a central subject, its financial requirements remain a provincial concern, and this division of authority has, on occasion, caused some difficulty. All other High Courts are under the administrative control of the Governor in Council of their province, except as regards the appointment of permanent and additional judges and the fixation of the local limits of their jurisdiction.

There would seem to be no reason why the relationship between the highest judicial authorities and the Executive should vary from province to province, and we shall, in our second volume, have some recommendations to make for securing uniformity of treatment.

Composition of the Judiciary.

330. The specimen figures which we have extracted below throw an interesting light on the composition of the judiciary in India and may be of value to those unfamiliar with its character. Confining ourselves again to the Madras Presidency, we reproduce the following statistics regarding, first, the number of the more important regular courts in the province and, secondly, the race of the presiding officials :—

MADRAS PRESIDENCY.

I.—Number of Tribunals (in 1926).

Court.	*Jurisdiction.*	*Number.*
High Court of Judicature ...	Civil and criminal ...	1
District and Sessional Courts (including 3 for Agency Tracts)	" " ...	29
District Magistrates Courts ...	Criminal	25
Sub-divisional " " ...	"	111
Presidency " " ...	"	5
Subordinate Judges and Special Small Causes Courts	Civil	44
Munsiffs Courts	"	179
Subordinate Magistrates ...	Criminal	461
Benches of Magistrates and special Magistrates	"	259

II.—PERSONNEL.

Court.		*Number of Presiding Officers.*	*European.*	*Indian.*
High Court	Chief Justice	1	1	—
	Puisne Judges	13	7	6
District and Sessions Courts		26	9	17
District Magistrates Courts		26	21	5
Sub-divisional " "		111	12	99
Presidency " "		5	—	5
Subordinate and similar Judges Courts ...		44	—	44
Munsiffs Courts		179	—	179
Subordinate Magistrates		461	—	461

Incumbents of these posts, more especially of district posts, change fairly frequently, and any figures must be read merely as indicating the extent to which Indianisation has proceeded. Nor does a classification made for one province represent with equal accuracy the position existing in others. In the Punjab, for instance, the racial distribution is as follows:—

THE PUNJAB.

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		Number of Presiding Officers.	*European.*	*Indian.*
High Court	Chief Justice	1	—	1
	Puisne Judges	12	6	6
District and Sessions Courts		21	10	11
District Magistrates Courts		29	18	11

It is clear that the subordinate judiciary in every province is almost wholly Indian. The figures we have given, despite their limited character, afford a not unfaithful illustration of the manner in which the responsibility for the administration of Justice is shared throughout British India by British and Indian officials.

331. The confidence reposed in the competence and integrity of the higher judiciary is practically universal. We have heard that some dissatisfaction is felt with the status and attainments of the lowest ranks of the stipendiary magistracy and, when the method of their recruitment is considered, this is not surprising, for they are frequently selected from the clerical staff of the District Officer. Economy has little to recommend it here. How far exactly the taint of corruption extends in the subordinate judiciary, it is difficult to say. We have not had much positive evidence on the point, and we realise that this depends partially on the vigilance and capacity of the superior controlling authority. In this, as in most other matters, it is impossible to speak of India as a whole. While in two or

three provinces there is known to be much room for improvement in the lower judiciary, our belief is that on the whole, despite individual instances of malpractice, when the capacity demanded and the comparatively small remuneration offered for it are taken into account, the general standard of efficiency and honesty of this class of judicial officer in many provinces reaches a high level.

CHAPTER 4.—LOCAL SELF-GOVERNMENT.

332. Our survey of the field of local self-government has been conducted with the object of ascertaining what part representative institutions are playing in the day-to-day life of the Indian people, to what extent civic responsibilities have come to be realised, and in what manner civic duties are shouldered and discharged.

A British Creation.

333. "Local self-government in India, in the sense of a representative organisation, responsible to a body of electors, enjoying wide powers of administration and taxation, and functioning both as a school for training in responsibility and a vital link in the chain of organisms that make up the Government of the country, is a British creation. The ancient village communities were constituted on a narrow basis of hereditary privilege or caste, closely restricted in the scope of their duties—collection of revenue and protection of life and property were their main functions—and were neither conscious instruments of political education nor important parts of the administrative system."*

Beginnings of Municipal Government.

334. The earliest essays in municipal government were, as might be expected, in the three great Presidency towns of Calcutta, Bombay and Madras, the first two of which now outnumber in population any city in the United Kingdom other than London, while Madras is only a little smaller than Manchester. An order of the Court of Directors in 1687 enjoined the formation of a Corporation composed of European and Indian members of the city of Madras for purposes of local taxation. This earliest venture was, however, not destined to survive or to prove the immediate precursor of further development, and it was not till about the middle of the 19th century that, first in Calcutta and Bombay, and later in Madras, recognition was given to the elective principle by investing the rate-payers with the right of choosing representatives on the municipal corporations of those cities.

A series of legislative enactments was passed between the years 1842 and 1862 providing for the setting up of municipal institutions in other towns. In the first place, the inhabitants of municipal areas were given the option of instituting municipal councils, and later, when little advantage had been taken of this, the provincial Governments were empowered to do so of their own motion. During this period, although the principle of election was actually recognised, it was little applied except in the Central Provinces.

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* Government of India; "Memorandum on the Development and Working of Representative Institutions in the Sphere of Local Self-Government", see Vol. V., p. 1056.

Lord Mayo's Resolution of 1870.

335. A step forward was taken in 1870 by the publication of Lord Mayo's Resolution on provincial finance which, in providing for a measure of decentralisation from the centre to the provinces, emphasised the ideal of the increased association of Indians in the administration and indicated the extension of municipal self-government as the most promising field for its attainment. The Resolution encouraged the general application of the principle of election, with the avowed object of developing self-government. The result was a very considerable increase in the number of municipal bodies in urban areas with well-marked fields of activity and the introduction into their constitution of the elected element. In rural areas, however, despite the general principles laid down, little or nothing was done beyond the occasional establishment of local funds for local improvements, sometimes controlled by a nominated committee.

Lord Ripon's Resolution of 1882.

336. Of far more importance from the point of view of the development of self-government was the Resolution of Lord Ripon on local self-government in 1882. It is a document well worth quotation :—

"In advocating the extension of local self-government, and the adoption of this principle in the management of many branches of local affairs, the Governor-General in Council does not suppose that the work will be in the first instance better done than if it remained in the sole hands of the Government District officers. It is not, primarily, with a view to improvement in administration that this measure is put forward and supported. It is chiefly desirable as an instrument of political and popular education. His Excellency in Council has himself no doubt that in course of time, as local knowledge and local interest are brought to bear more freely upon local administration, improved efficiency will in fact follow. But at starting, there will doubtless be many failures, calculated to discourage exaggerated hopes, and even in some cases to cast apparent discredit upon the practice of self-government itself. If, however, the officers of Government only set themselves, as the Governor-General in Council believes they will, to foster sedulously the small beginnings of the independent political life, if they accept loyally and as their own the policy of the Government, and if they come to realise that the system really opens to them a fairer field for the exercise of administrative tact and directive energy than the more autocratic system which it supersedes, then it may be hoped that the period of failures will be short and that real and substantial progress will very soon become manifest.

"It is not uncommonly asserted that the people of this country are themselves entirely indifferent to the principle of self-government; that they take but little interest in public matters; and that they prefer to have such affairs managed for them by Government officers. The Governor-General in Council does not attach much value to this theory. It represents no doubt the point of view which commends itself to many active and well-intentioned District Officers; and the people of India are, there can be equally no doubt, remarkably tolerant of existing facts. But as education advances, there is rapidly growing up all over the country an intelligent class of public spirited men whom it is not only bad policy, but sheer waste

of power, to fail to utilise. The task of administration is yearly becoming more onerous as the country progresses in civilisation and material prosperity. The annual reports of every Government tell of an ever-increasing burden laid upon the shoulders of the local officers. The cry is everywhere for increased establishments. The universal complaint in all departments is that of over-work. Under these circumstances it becomes imperatively necessary to look around for some means of relief; and the Governor-General in Council has no hesitation in stating his conviction that the only reasonable plan open to the Government is to induce the people themselves to undertake, as far as may be, the management of their own affairs; and to develop, or create if need be, a capacity for self-help in respect of all matters that have not, for imperial reasons, to be retained in the hands of the representatives of Government."

Effect on Municipal Councils and Rural Boards.

337. The practical changes which this far reaching pronouncement inaugurated may be briefly referred to. It advocated the establishment of a network of local self-government institutions, with special emphasis on the necessity for meeting the hitherto neglected requirements of rural areas, the reduction of the official element in local bodies to not more than a third of the whole, the exercise of control from without and not from within, a larger measure of financial decentralisation and the adoption of election as a means of constituting local bodies, wherever possible. Though it was careful to insist on a unity in aim, it pointedly referred to the advisability of a variety in form to suit divergent conditions. The result of the Resolution was a series of provincial Acts, providing for the election of members of municipal bodies to the number of half or more in each case, and for the grant to them of the privilege, in many cases, of electing their Chairman or Vice-Chairman. The impetus given to local self-government in extra-urban localities was, in view of their previous neglect, even more pronounced. Giving full play to that variety in form on which the Resolution laid stress, the provinces proceeded to develop along their own lines. For instance, we find Madras beginning with the village as the unit and making the Union Board, with jurisdiction over one or more villages, the primary self-governing body, while above it were the Taluq and District Boards, with authority over a section of a district and the district respectively. Bombay, on the other hand, constituted no village unions but contented itself with Taluq and District Boards. Despite, however, this variety in detail, there was in all provinces a substantial agreement as to the general line of the ensuing development of rural local self-government. In all, Rural Boards were now for the first time brought into existence; in all, taxpayers were empowered to elect a proportion of their members, and in most, the grant to local Boards of the privilege of electing their Presidents was made possible, though in practice this power was rarely exercised. The District Officer, however, continued to be Chairman in chief executive control. As the principles of 1882 continued to regulate development until 1918, it is well to consider how far actual practice accorded with them, and what was the nature of the system then inaugurated.

Two Types of Local Government—Decentralisation and Deconcentration.

338. It is useful here to consider the contrast between local self-government in India, as it existed before the Reforms, and that of our own country. Systems of local self-government fall into one or other of two well-defined types, which we may call the British and the Continental. In the former, government is decentralised. Local bodies with wills of their own exist. They initiate and carry out their own policies, subject only to such powers of direction and control as are retained by the Central Government. They appoint, subject, it may be, to regulations as to qualifications, their own staff, and raise in the main their own revenue. They form, in fact, a detached system. They are not a mere subordinate part of the governmental machine. Under the Continental system, on the other hand, government is deconcentrated. The principal local official is not the servant of the elected representatives of the locality, but is essentially an official of the Central Government, sent down to a particular locality to carry out part of the work of the Central Government. He may or may not be assisted by an advisory council, to which, perhaps, a few powers of deciding policy have been conceded, but the will that operates in the sphere of local administration is that of the Central Government, not that of the people of the locality. Now, prior to the Reforms, local self-government in India belonged essentially to the second, or deconcentrated, type : it resembled the French, rather than the British, system. The District Officer in India, like the French Prefect of a Department, was an officer of the Central Government operating in a particular district. As Chairman of the District Board, and often of one or more municipalities, he was carrying out the will of his official superiors. He was just as much the eyes, ears and arms of the provincial Government as when functioning as revenue officer or district magistrate. Local self-government was just one of his many activities. He regarded his staff as available to assist him in all branches of his work. A single will operated in all spheres of activity in the district.

Character of Indian Local Self-Government before the Reforms.

339. Whatever may have been the intentions of the Ripon Reforms, as expressed in the Resolution quoted above, it is clear to us that, in fact, the custom of the country, force of habit, apathy, and lack of desire to assume responsibilities among those elected—together with the natural reluctance of an overworked official, desirous of efficiency, to consume much time in getting things done badly which he felt he could himself do well—combined to prevent real and substantial progress being made in political and popular education in the art of self-government. It it obvious to us that, in the vast majority of districts, local self-government continued to be, as in the past, one of the many

functions of the District Officer. No real attempt was made to inaugurate a separate system amenable to the will of the local inhabitants. Even in many towns, the municipality continued to confine its activities to approving the decisions of the official Chairman and, where duties were entrusted to the Vice-Chairman, he generally merely followed the instructions of the official. It is of the highest importance to bear this in mind in any attempt to appraise the effects of the Reforms in this sphere. In effect, outside a few municipalities, there was in India nothing that we should recognise as local self-government of the British type before the era of the Reforms.

The Joint Report and the Resolution of 1918.

340. The Montagu-Chelmsford Report recognised very clearly the defects to which we have drawn attention and, in reviewing the history of local self-government and the constitution of local bodies as it then existed, stated* that the educative principle was subordinated to the desire for immediate results. The Joint Authors were specially insistent on the invaluable training which the exercise of local self-government affords to the citizen. "The unskilled elector," they remarked, "can learn to judge things afar off only by accustoming himself to judge first of things near at hand. This is why it is of the utmost importance to the constitutional progress of the country that every effort should be made in local bodies to extend the franchise, to arouse interest in elections, and to develop local committees, so that education in citizenship may as far as possible be extended, and everywhere begin in a practical manner."† They laid down as a definite formula that there should be, as far as possible, complete popular control in local bodies, and the largest possible independence for them of outside control.

The Resolution of Lord Chelmsford's Government of 16th May, 1918, reflected faithfully the view that "responsible institutions will not be stably-rooted until they are broad-based and that the best school of political education is the intelligent exercise of the vote and the efficient use of administrative power in the field of local self-government." Translating into practice the views of the authors of the Joint Report, it formulated certain basic principles calculated to establish wherever possible complete popular control over local bodies. It suggested an elected majority on all Boards, the replacement of official Chairmen by elected non-officials in municipalities and, where possible, in rural boards, the lowering of the franchise to an extent to make constituencies really representative of taxpayers, and the representation of minorities by nomination where necessary and not by communal or proportional voting. It proposed, where official experience was held to be necessary by way of advice, that this should be secured by nominating experts for discussion and advice

* M/C Report, para. 13. † M/C Report, para. 192.

without the power of voting and, generally, that the radius of official control should be strictly circumscribed. In one other direction the Resolution sought to open up interesting possibilities. It laid particular stress on the advisability of fostering village government. The Decentralisation Commission of 1909* had indeed devoted special attention to this subject. The Government of India in 1915 had laid down certain guiding principles, but during the three years that had elapsed there had been no practical development in that field. The Resolution of 1918 laid fresh emphasis on the advisability of developing the corporate life of the village as a step in the growth of self-governing institutions, by taking advantage of the existing bonds of common civic interests and common traditions.

The Provincial Legislatures and Local Self-Government.

341. The Government of India Act passed into law in 1919. The new provincial legislatures were constituted at the end of 1920 and, with the transfer of local self-government to the control of Ministers answerable to them, became responsible for the future destinies of local bodies. To them fell the task of giving such practical expression to the suggestions contained in the 1918 Resolution as they deemed proper. In almost every province, councils used their new-found powers in the endeavour to make local bodies a more effective training ground for larger and wider political responsibilities. The general trend of the legislative enactments was in the case of most provinces the same. Almost all aimed at lowering the franchise, at increasing the elected element in local bodies to the extent of making it the unquestioned immediate arbiter of policy in local affairs, and at passing executive direction into non-official hands.

342. We shall refer in more detail to these matters in our picture of the constitution and functions of existing local bodies. We have, however, said enough to indicate that this third stage in the growth of local self-government was ushered in as a consequence of the Reforms, and was marked by the newly elected legislative councils clothing the various local bodies with greatly enhanced powers, freeing them from official control and making them responsible to a substantially enlarged electorate. Before recording our conclusions on how these bodies have functioned during the last decade, it is necessary for a clearer understanding of the visible results to give a brief description of the various organisations to which are entrusted the management of local affairs, with an indication of how they are constituted and what powers they wield.

The Existing System in Presidency Towns.

343. The unit of local self-government in urban areas is the municipality. The corporations of Calcutta, Bombay and

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* Decentralisation Commission Report, ch. XVIII.

Madras have been constituted each under its separate Statute and each with its own specific powers and privileges. The councillors, who vary in number from 106 in Bombay to 61 in Madras, are, with the exception of a small number of Government nominees, elected on a fairly wide franchise, varying from 10 per cent. of the population in Bombay to 5 per cent. in Madras. The representation is not entirely by geographical wards. In each city business interests are given special representation, while in Bombay a novel principle has been introduced by the formation of a special electoral college representative of trade unions for the purpose of returning labour representatives. In Calcutta alone, communal constituencies for Muhammadans have been set up. These great cities enjoy a considerable measure of freedom in the administration of their municipal affairs, although certain powers of control in relation to appointments, contracts, the raising of loans and the audit of accounts are, in theory, reserved to the provincial Governments. Calcutta has an income of over 2, and Bombay of over 3, crores of rupees. It may be noted that the city of Glasgow, which is comparable to Calcutta in population, has twelve times its income. In Calcutta, the Corporation elects its own mayor and its chief executive officer, while in Madras the latter is appointed by the provincial Government. In Bombay, a convention has been established whereby the president is elected in turn from the Hindu, the Moslem, the European and the Parsi communities.

Other Municipalities.

344. There are 749 other municipalities in India varying in size from cities like Ahmedabad, with a quarter of a million inhabitants, to small towns with a few thousand. Since the Reforms the qualification for a municipal vote has been lowered in every province, and to-day about 14 per cent. of the urban population enjoys the municipal franchise. In every town, the majority of Councillors are elected, varying from four-fifths of the total membership in Bihar and Orissa to two-thirds in Bengal. In 1925-26, 681 municipal bodies elected their own chairmen, while 68 had *ex officio* or nominated chairmen. The interest taken in municipal elections varies from province to province; it is greatest in the Madras Presidency, where in 1925-26, over 70 per cent. of the voters went to the poll, and with the increased freedom from official control, this example is likely to be followed.

The functions entrusted to municipal councils in India resemble closely those exercised by similar bodies in Great Britain, comprising as they do the administration of education, public health, sanitation, medical relief and public works, including roads and bridges. While possessing little control over the details of administration, the provincial Government holds the

ultimate power of superseding, suspending or abolishing a municipal council. The limited power of controlling the proportion of elected to non-elected members in the council and otherwise regulating its constitution also rests with the Government, while it can require the appointment and prescribe the terms of service of the health officer or engineer. Its approval is necessary to the grant of a salary to a Chairman, and he can be removed from his post, if he refuses to carry out a resolution of his council. An increasing number of municipalities are realizing the need for the appointment of an executive officer.

A large number of urban areas where troops are stationed are outside the administrative area of the municipality and are called cantonments. They are administered by elected Cantonment Boards, the presidents of which are official. The final control of cantonment administration rests with the Army department of the Government of India.

Municipal Finance.

345. Municipalities are given a wide choice in the form of the taxes which they may levy. Octroi duties, terminal taxes, taxes on personal income, fixed property, professions and vehicles, have all been utilised, while for particular services, such as education and water supply, special taxes or cesses are imposed. The Government's control in financial matters is limited generally to cases in which the interests of the general public call for special protection. It has the right to alter a municipal budget, if it considers that due provision has not been made for loan charges and for the maintenance of a working balance, and it may intervene in the administration of a council by way of preventing or initiating action in matters affecting human life, health, safety or public tranquillity. But these powers have been very infrequently exercised.

Rural Authorities: District Boards.

346. In all provinces, except Assam, the most important unit of self-government in rural areas is the District Board, the jurisdiction of which is coterminous with the District. It may be compared in composition and powers with the English County Council, though the area and population for which it is responsible are as a rule far larger than those of an English administrative county. The majority of the members are elected on a franchise which, though greatly extended since the advent of the Reforms, even now gives the vote to little more than 3.2 per cent. of the population. Communal electorates for Muhammadans are provided in the Bombay Presidency and the United Provinces for District Boards, and in Assam for Local Boards. Elsewhere the power of nomination is used by the provincial Governments to secure representation for minorities.

Almost everywhere the Chairman is now an elected member, except in the Punjab, where, although the option to ask for the

privilege of election exists, only two Boards have exercised it—a result due in the main to a preference for the freedom from communal bias of the District Officer.

The functions of the District Boards are much the same as those of the Municipalities, allowing for the different conditions of town and country, and the powers of control and intervention by the provincial Governments are similar. In Madras the Boards have power to construct and manage light railways, and the Tanjore Board actually operates 134 miles of railway.

Minor Rural Authorities.

347. Within the area of the District Board there are minor authorities varying in name, function and composition from province to province. The Local, Taluq or Circle Board exists in all provinces, except the Punjab and the United Provinces. It has jurisdiction over part of a District and is a subordinate agency of the District Board, except in Assam where it takes the place of the District Board. It is composed in the main of elected members and, as a rule, chooses its own Chairman. All the elected members of the District Boards in Madras and Bengal, and two-thirds of them in the Central Provinces, are chosen by the members of the Taluq Boards.

Panchayats.

The village *Panchayat*, or Union Board, is of special interest and importance as being an attempt to recreate the village as a unit of self-government. It has jurisdiction over a village or group of villages. Its primary function is to look after such matters as wells and sanitation, but it is sometimes entrusted with the care of minor roads and the management of schools and dispensaries and, in Madras, of village forests and irrigation works. In some provinces, it has also been given power to deal with petty criminal and civil cases. It is interesting to note that a *panchayat* which exercises all these functions is, within its total range, dealing with both reserved and transferred subjects.

Except in the United Provinces, the members are almost entirely elected. In Madras, Bombay and Assam all male adults, and in the Central Provinces all adults, have the vote. Voting is often by show of hands.

In spite of great efforts to establish these village authorities, it has not proved possible to progress very rapidly. Development is promising and has gone furthest in the United Provinces, Bengal and Madras. In Bengal, by 1928, 2,874 Union Boards had been established out of a possible 6,478. In the United Provinces in 1927, there were 4,594 *panchayats* with jurisdiction over a population of nearly 8½ millions. Outside these three provinces the movement is still completely in its infancy. To take a typical instance, in Bombay in 1925-26, the population affected by the village *panchayats* was only a little over half a million.

It is very far from certain that it will eventually be possible to create satisfactory bodies of this type over all the areas of the provinces. The following quotation from the United Provinces Government Memorandum* illustrates the kind of difficulty met with—

> "The selection of villages in which *panchayats* can be established with a hope of success demands caution. The field of choice is restricted. In the first place, villages which are riven by faction must be avoided. Elsewhere men of the necessary intelligence, integrity and force of character are often absent, or if present, belong to a single caste or family, with the result that a well-balanced *panchayat* cannot be formed. Many villages are entirely apathetic. Again, experience has shown that *panchayats* rarely flourish when overshadowed by the influence of a powerful land-holder to whom the tenants have been in the habit of taking their disputes. Lastly, considerable difficulty has been experienced in the selection of suitable *sarpanches* (presidents) on whose personality the success of the *panchayat* almost entirely depends. In remote tracts it has not been easy to discover men of the right type for these posts who had also sufficient education and intelligence to understand the simple rules and maintain the simple registers. The increasing influence of village factions and caste and communal friction has affected the working of *panchayats* in some places."

A common obstacle is the refusal of a village to have anything to do with the constituting of a fresh taxing authority.

Finance of Rural Authorities.

348. The main source of revenue of rural authorities is a tax or cess levied on the annual value of land and collected with the land tax, though this may be, and often is, supplemented by taxes on companies and professional men and by tolls on vehicles. A very large proportion of the revenue of these authorities, however, consists of subventions from the provincial Governments. These are given not only as grants-in-aid for particular services, but not infrequently in the form of capital sums for the provision of works of construction.

Estimate of Progress.

349. The authors of the Joint Report looked to local self-government as the sphere in which steps would be taken first and furthest in the direction of the progressive realisation of responsible government in India. The last ten years have been a training and testing time. Local bodies have been left to the direction of a majority elected on a comparatively wide franchise, while, except in the Punjab, District Boards have in almost every case been given the right of electing their chairmen. How far have these changes affected the efficiency of their work? How far has a sense of civic consciousness in voters and their representatives been developed? The answer to these questions cannot be given by a detailed description of their working. We can only record the general impression left on our minds by the evidence put before us and our personal observation, while recognising

* See Vol. IX. p. 513.

that any generalisation which attempts to cover all portions of a country "still marching in uneven stages through all the centuries from the fifth to the twentieth" is open to the criticism that it must be either featureless or inaccurate.

In none of the various sections of the field to be surveyed have we to paint a picture of unrelieved failure or unqualified success. In every province, while a few local bodies have discharged their responsibilities with undoubted success and others have been equally conspicuous failures, the bulk lie between these extremes. Often a single local authority may exhibit a gross neglect of certain vital civic services, while showing keen and efficient discharge of other equally important activities. Cases like the following are difficult to place. A Local Board, faced with strictly limited resources, deliberately decides to develop one phase of activity, which it considers of greater public benefit, at the expense of another. It reduces its expenditure on roads and spends the money so saved on opening new schools and dispensaries. The neglected road soon furnishes evidence to every casual passer-by of undoubted deterioration. The new school or dispensary, on the other hand, passes unnoticed or fails to afford equally insistent testimony to counter-balancing effort, and the Board is naturally, though not quite equitably, added to the list of those that have proved administrative failures. We have endeavoured to avoid too facile an acceptance of condemnatory evidence at its face value, and we have, in coming to our conclusions, given due weight to much good work that stands to the credit of many local bodies.

Obstacles to Advance.

350. Before endeavouring to estimate how far the Indian citizen, whether as elector or elected member, has taken advantage of the wide opportunities for self-government presented to him in this sphere, it is necessary to understand certain difficulties which have hampered progress. Some of these arise from the change to a new system, others from the nature of the new organisation, and others again from local or temporary conditions.

In considering the legislative and administrative measures taken by the various provincial Governments to carry out the principles of the Reforms in the sphere of local self-government, we were struck by a common failure to realise the magnitude of the change involved, which was little less than the introduction of a new system. The operation was comparable to the demolition of part of an old established and homogeneous building and the erection in its place of a structure designed in an entirely different style of architecture. To carry such a work through successfully demands not only the most careful adjustment of old and new, but a thorough understanding of both styles of building. It appears to us that the principles and practice of British local government were not fully apprehended in India.

The keystone of the old system was the position of the District Officer as official Chairman of the District or Local Board and often of one or more Municipalities as well. The principal administrative change made, in every province except the Punjab, was the substitution of an elected Chairman in almost every District and Municipality. This measure, designed to carry out the policy of enlarging the sphere of self-government by removing official control, in fact did far more than this: it radically altered the constitution of the local bodies and their relationship with the provincial Government. The official Chairman had not merely been the presiding member, but actually the chief executive officer of the Local Board. In administering its affairs, he had never been entirely dependent on the Board's own staff. He combined in his person the authority of the highest revenue and the highest magisterial office in the District, and had in consequence at his command an army of other officials whose services he could and often did utilise in the discharge of his Local Board duties. His functions as Chairman of the District Board merely formed part of a varied complex, the constituent parts of which fitted in with, and simplified the discharge of, each other. His revenue and magisterial work took him to every corner of his charge, and these tours served at the same time to keep him in intimate touch—without any extra expenditure of time, money or effort—with the requirements of local board administration.

It seems to have been expected that an elected Chairman should not only take the place of the District Officer as presiding member, but should also, without pay and in such time as he could spare from his own affairs, be the chief executive officer of the Board, with such assistance as he might obtain from an ill-paid secretary, little better than a minute clerk, and from the technical officers such as the engineer and medical officer. This was an entire misconception of the British system wherein a very clear distinction is drawn between the spheres of action of the elected representative and of the officer of a local authority. It was, indeed, a reversion to a very early stage of British local government, but the extent to which it was carried in some instances may be judged by the fact that, in one district at least, the actual supervision of the repairs of a road was parcelled out among the individual members of the board as if they were old English Waywardens.

Not a few of the failures and defects of local self-government in India may be traced to the inability to realise the importance of having a competent and well-paid official analogous to the English Town Clerk or Clerk to the County Council. It was not realised how much the efficiency of local self-government in England depends on the existence of a class of skilled professional administrators who, while they follow the policy laid down by the elected representatives, are at once their advisers and the instruments whereby their decisions are put into operation. In this sphere, as in others, we have noticed

a tendency to misapprehend what are the duties and functions of elected members. There is on the part of elected persons a general tendency to meddle and interfere in details of administration which should be left entirely to the paid official.

Want of Control over Local Bodies.

351. Another grave error, in our judgment, was the failure to realise the need for control by the provincial Governments over local self-government authorities. The provincial Governments endeavoured to carry out in its fullest implications the formula laid down in the Montagu-Chelmsford Report that there should be "the largest possible independence for them of outside control."* It would seem to have been imagined that this was the British system of local self-government. As a matter of fact, the present state of efficiency of local government services and administration in Great Britain has been largely due to an ever increasing pressure by the departments of the Central Government. By numerous administrative devices, by inspection, by audit, by the giving of grants-in-aid on conditions ensuring efficiency, and by an insistence on standards of competence in the municipal staff, the Local Government Board and its successor, the Ministry of Health, have steadily raised the standard of administration in all local authorities. Indeed, the history of local government in Great Britain during the nineteenth century might be described from one angle as the steady invasion by the Central Government of a sphere formerly left entirely to local authorities. No picture of British local self-government could be more false than that which depicts the local authorities as enjoying the largest possible independence of outside control. The result of the legislative and administrative action taken in accordance with the scheme of the Reforms was, in effect, to deprive the new Ministers of Local Self-Government of powers which were essential if they were to perform their task successfully. Under the old system the District Officer was at once chairman of the local authority and agent of the provincial Government. He took the place of the staff of officials of the Minister of Health at home and, with the cessation of his official connection with the local bodies, the Minister of Local Self-Government was in effect deprived of the instrument for enforcing his will. At the same time, the provincial Governments do not seem to have realised the need for replacing him with officials under the control of the Minister for Local Self-Government. Nor have they understood what are the functions of the staff of the Minister. We find, for instance, that inspectors of education, and engineers in the service of the provincial Governments, sometimes fill the dual role of servant of the local authorities and inspecting agent of the provincial Government.

† M/C Report, para. 188.

We have heard the criticism that the only effective powers possessed by provincial Governments, namely those of suspension and dissolution, have left the Ministers powerless in the face of misconduct calling for less drastic treatment, and we think that this criticism is well founded. Where spur and rein were needed, the Ministers were only given a pole-axe. To those accustomed to the very real influence exercised over local bodies in England, not only by way of punishment and correction, but by advice and encouragement, this mistaken idea of freedom from provincial control appears to have had the most unfortunate results in India. Some local bodies have been allowed to continue in evil courses with comparative immunity till maladministration has become almost a habit and, even when the cup is full, Ministers are sometimes afraid to make use of their final powers through fear of political consequences. There should surely be little ground for resentment when control is exercised by a responsible Minister. It is significant that, where, as in Madras, the authority at the headquarters of the province has made use of a system of specifically earmarked grants-in-aid to keep a controlling hand on district board administration, the fall in efficiency has been far less.

Difficulties of Local Administration.

352. It is only fair to draw attention to certain difficulties encountered by local government administrators in India, some of which are due to local, others to temporary causes. The size of the average district, which is normally the unit for rural self-government, is in Madras about 6,000 square miles, in Bombay about 5,000, in the United Provinces about 2,500, and in Bengal about 2,700 square miles. Compared with the average area of an English administrative county, which is about 970 square miles, these are units so unwieldy as to add greatly to the difficulties of administration, while the average population of a district is also far higher than that of an English county. It may be easily imagined, therefore, how difficult it must be for the elected Chairman to establish personal contact with the countryside and to supervise adequately the various activities of the Board. This difference of scale must be always present to the minds of critics of Indian government. Secondly, the assumption of power by the elected members coincided with a period of financial stringency due to a rise in prices. The result was that those who were anxious to make the most of their new opportunities found themselves hampered at the outset by lack of funds. It is not surprising, therefore, that the affairs of some Boards, on passing into the hands of inexperienced administrators, became financially embarrassed. Thirdly, a warning must be given against applying to Indian local administration too high a standard. It is not always realised how very rapid in recent years in Great Britain have been the extensions of public provision for social services, such as public health, and it is quite

unreasonable to expect that in such matters India should all at once attain to a similar standard.

Has Efficiency Suffered?

353. Giving, then, fair weight to these difficulties, it is possible to come to certain general conclusions. We ought, however, to draw a distinction between the normal day-to-day conduct of the executive duties of administration on the one hand and the larger task of inspiring policy and initiating endeavour on the other. So far as the former is concerned, on a review of the evidence before us, we are of the opinion that the transference of power from official hands has been followed, on the whole and as a general rule, by a fall in the previous level of efficiency. The fall has been greater in some provinces, like the United Provinces and Bihar and Orissa, than in others, like Madras, and in no single province is our estimate not open to qualification in individual cases. On the other hand, these publicly constituted bodies now show an interest in their work which gives more hope for the future than any mere adherence to standards of mechanical efficiency.

There has been a very general and very marked growth in the interest taken in the extension of education and of medical facilities. This interest may often have been misdirected and misapplied, and there may have been a tendency to be satisfied with quantity rather than quality of service, but of its genuineness and of its intensity there can be no question; while there has been a diminution of administrative efficiency, we would draw attention to the work in these spheres that has been attempted in many provinces as offering to some extent a set-off to failures in other directions. For instance, we have referred to the fall in the efficiency of District Board administration in Bihar and Orissa, but, on the other hand, accepting the recommendation of the Provincial Council that the area covered by the jurisdiction of each police station should be served by a dispensary, the District Boards, despite their poverty, in four years increased the number of dispensaries from 178 to 319—a substantial achievement.

It is, however, our duty to call attention to certain failures which are referred to in most, if not all, of the reports of provincial Governments. It is not suggested that these failures are in any way peculiar to India. On the contrary, they can be paralleled at various times in countries with a far greater experience of representative institutions. But this does not say that they should not be clearly indicated, if a fair picture is to be painted.

Financial Difficulties.

354. It is a commonplace of administration in India that financial resources are generally quite inadequate to meet needs, and this is especially true in local self-government. Undoubtedly one of the reasons for the failure to develop a trained

municipal personnel is the poverty of the Municipalities and the District Boards. But it is not only actual poverty which cramps their resources but the reluctance of the elected members to impose local taxes. This is a feature by no means confined to India; indeed the willingness of a community to impose high taxation on itself for common needs is proof of a very advanced civic consciousness. In rural India, the method of financing District Boards is, as we have seen, by an addition to the land tax. It is naturally difficult to get bodies composed of landholders to increase the burdens on themselves, and the tendency is to refrain from adding increased cesses and to demand larger subsidies from the provincial Government. The system of grants-in-aid has done much in our own country to stimulate the development of particular services, but such grants are generally made conditional on the imposition of adequate taxation and the acceptance of a considerable measure of central control by the local authorities themselves. In India, the giving of grants, often unconditionally, to local authorities has gone so far as to divorce control of policy from financial responsibility. In Bombay, government grants amounted to nearly 60 per cent. of the revenue of District Boards.

While the rural authorities have the advantage of the machinery of revenue for the collection of their basic source of income, cess on land, Municipalities adopt a variety of expedients for raising revenue. The most disturbing feature, however, is the failure to collect the direct taxes imposed. In Great Britain, a Municipality expects to collect up to 98 or 99 per cent. of the rates imposed by it, and a drop in collection to 95 per cent. would be the subject of very close enquiry. But in Municipalities in India since the Reforms, uncollected arrears have been mounting up to very large sums. This feature is referred to by almost every provincial Government in reviewing the work of the Municipalities, and it is clear that there is great laxity in this respect. Another very general criticism is directed to the prevalence of embezzlement by employees. This is clearly to some extent the result of the failure to pay salaries sufficiently high to secure trustworthy officials. But it is also due to carelessness, want of system and inefficient supervision. Generally speaking, the management of the finances of local authorities has deteriorated since the Reforms, and this laxity is not adequately corrected by such powers of audit as the provincial Governments possess.

The Abuse of Power.

355. It has already been stated that the failure to appreciate the need for an efficient municipal service accounts for many defects, but there is also considerable evidence that appointments are not always made solely with a view to efficiency. The tendency to jobbery in municipal appointments is not a feature peculiar to India, and such a practice is exceedingly difficult to

eradicate. It was not to be expected that in India, where family, caste and communal ties are so strong, it would be everywhere resisted. There is evidence of improper appointments and improper dismissals in not a few instances. Only an informed public opinion can check this evil, but in addition there is, in our view, urgent need for greater security of tenure in the service of local authorities. At present too much power over the staff is placed in the hands of the Chairman, and, while reports of provincial Governments bear witness to the trustworthiness of the majority of Chairmen, there are instances of abuse of power by others. It is impossible for good work to be done by men whose position and prospects are dependent on uncertain personal factors. There have been brought to our notice a number of cases of corruption and certain instances where very large sums have been expended in order to obtain seats on local governing authorities, which suggest that those who expended such large amounts expected to be able to recoup themselves from illicit gains.

Effect of Communal and Sectional Differences.

356. While it may be hoped that the faults referred to above may with greater experience and with a growth of public spirit be corrected, there remains another serious difficulty which militates against sound local government. Communal and caste dissensions, which are to-day the most serious problem in Indian politics, have naturally affected local bodies. The violent sectional antagonism between Hindus and Muhammadans or Brahmins and non-Brahmins has certainly impaired the efficiency of local bodies. It has tended to prevent the employment of the fittest persons in administrative posts, and factious quarrelling has in many instances occupied the attention of the members to the exclusion of all other considerations. It is clearly the greatest obstacle to the development of a sense of common citizenship, which is the necessary basis for healthy civic life.

Attitude of the Electorate.

357. So far, we have considered how the chosen representatives of the public, comparatively few in numbers, have responded to new and testing responsibilities in the management of local affairs. We come now to the question, even more important for our purposes, how the many have used the ultimate power which resides in those who possess the vote. That there is a growing sense of its value is, we think, clearly established, though here again what is true of one province may need qualification in another. If the numbers that go to the poll provide any index to the growing interest taken by the voter—and we are aware that other extraneous causes often operate as a temporary incitement to vote—then most provinces can record a steady advance. In Madras, for instance, the percentage of voters who went to the poll has risen progressively since 1921-22 (when the low water mark was registered as a consequence of

the non-cooperation campaign) from 44.7 per cent. in the case of Municipalities and 33.17 per cent. in the case of Taluq Boards, to 70.2 per cent. and 52.1 per cent. respectively in 1925-26. These figures have in some instances been exceeded elsewhere, while in others they have not been reached. But we believe that it is generally true to say that there is an increasing readiness to use the vote, though interest may arise from many causes. If we are to assess the growth of political education, it is essential to have some conception of the standards of value and judgment adopted by the electors. While in some instances electors have recorded a strong verdict on corrupt and inefficient administration, we are, on the whole, of opinion that questions of administration play little part in the elections and that communal, caste and personal considerations furnish in the majority of cases the motive power which takes the elector to the polling booth and decides the casting of his vote.

CHAPTER 5.—THE NORTH-WEST FRONTIER PROVINCE AND OTHER SPECIAL AREAS.

358. Entirely outside the nine Governors' provinces, but none the less constituting part of British India, are the six areas which, in view of their geographical position or for other special reasons, do not share in the full system of provincial reform provided by the Government of India Act. These six areas taken together form about three per cent. of the whole. They are of different sizes and orders of importance; and they are often called (though the term has no statutory authority) "minor administrations". They are the North-West Frontier Province, British Baluchistan, Delhi, Ajmer Merwara, Coorg, and the Andaman and Nicobar Islands.* A common feature of them all is that their heads are called Chief Commissioners. The Montagu-Chelmsford Report, in contrast with the detailed consideration it gave to the Governors' provinces, made only a passing reference to them and dismissed the consideration of their future in the following brief words :—

> "For reasons of strategy the two frontier provinces must remain entirely in the hands of the Government of India. But inasmuch as our guiding principle, where the principle of responsibility cannot yet be applied, is that of government by consultation with the representatives of the people, we think that in some if not all of these areas it would be well to associate with the personal administration of the Chief Commissioner some form of advisory council, adjusted in composition and function to local conditions in each case. This question we would leave to the further consideration of the Government of India."†

We must first give a description of the North-West Frontier Province and of the mode of its administration; next, we shall take Baluchistan; and we can then deal more shortly with the other much smaller special areas.

The North-West Frontier Province.

359. This province may be roughly described as lying between the Hindu Kush range on the north and Baluchistan on the south, and between Kashmir and the Punjab on the east and the Durand boundary with Afghanistan on the west.

Between Afghanistan and the Indus, lies a portion of one of the highest and most rugged mountain systems in the world. This frontier has long presented, and still presents, both an international and a local problem of enormous complexity and difficulty. The invader from Central Asia has, from time to time, throughout the centuries, pushed his way towards the plains of India over the passes which cross these vast ranges. It is in

* These areas, apart from the portion of the North-West Frontier which is not British, are coloured pink on the map at the end of this volume.

† M/C Report, para. 198. These remarks do not apply to the Andaman and Nicobar Islands. See also paras. 43 and 44 of the M/C Report.

their deep and tortuous valleys that are found bodies of hardy and fanatical tribesmen, well armed and fearless, unable to extract more than the barest pittance from the stony ground where they live and quarrel, but having before their eyes the tempting prospect of booty from the passing caravan or from a raid into the settled districts below them.

Facing this page, is a map in colours which makes clear the distinction between the British area of five administered districts (pink), with a total area of 13,400 square miles populated by 2¼ millions of people, and the tribal tracts and Indian States (yellow), estimated to cover 25,500 square miles and to contain a population of nearly three millions. Muhammadans predominate overwhelmingly in all parts: in the five districts, there are small numbers of Hindus (about 7 per cent.), who are mostly traders and shopkeepers in the towns and villages; and Sikhs, who amount to 28,000. The aristocracy of the province is represented by the Khans, with an influence and authority over their followers not unlike that which used to be exercised by the chieftain of a Highland clan. The Pathan tribesmen in the unadministered areas are split up in a remarkable way in their various territories—Wazirs, Mahsuds, Bannuchis, Afridis, Shinwaris, Mohmands, and so on—and under their respective *maliks* are constantly at feud amongst themselves.

The lower ground of the N.W.F.P. spreads out somewhat after the fashion of the palm and extended fingers of a right hand. In the palm, at the root of the first finger, is the capital, Peshawar; some forty miles to the eastwards the great bridge at Attock carries railway and road over the Indus, which flows, as it were, across the wrist. The thumb, pointing north, leads to the Malakand and the Swat Valley, and so to Chitral; the index finger represents the road past Jamrud fort over the Khyber toward Kabul; the second finger leads, via Kohat, to the Kurram; the third, via Bannu, to Waziristan; and the fourth, further south, through Tonk to the Gomal pass. The interstices are occupied by wedges of inhospitable mountainous country, the home of frontier tribesmen, over whom watch and ward are kept at various outposts, and whose proceedings are further controlled by the making of such roads as the recently completed circular road via Razmak through Waziristan. The construction of similar roads, cutting through the wild country from point to point, has been approved in several other cases for which finance has not yet been found. The civilising effect of such roads—for the frontier tribesman is learning to appreciate the motor omnibus—is only equalled by their value as a means of securing pacification in case of trouble.

The Five Districts and the Tribal Tracts.

360. From the time of the British annexation of the Punjab, in 1849, down to 1901, the five frontier districts remained with-

the Punjab, and the Punjab Government also assumed responsibility for the control of the adjoining frontier tracts. In 1901, in consequence of the decision " that the conduct of external relations with the tribes on the frontier should be more directly than hitherto under the control and supervision of the Government of India ", the whole area was taken under the immediate charge of the Government of India, a separate frontier province was created, and the Punjab lost the five districts. The geographical result is that only one district (Dera Ghazi Khan) of the Punjab Province now extends beyond the Indus, and indeed, one of the five districts which has become detached, viz. Hazara district, with Abbottabad as its district headquarters, lies on the eastern side of that river. The other four districts of the N.W.F.P. are west of the Indus, viz. Peshawar, Kohat, Bannu and Dera Ismail Khan. On the north-west, beyond the districts themselves, lies the tribal territory, including five political agencies, viz. North and South Waziristan, the Kurram, the Khyber and the Malakand (the last named comprising the Indian States of Dir, Swat and Chitral), together with certain other tracts, the tribal control of which vests in the Deputy Commissioners, such as the Mohmand tribe, Buner, and the Gaduns.

Strictly speaking, the N.W.F.P. consists of the five administered districts and no more, but, owing to the fact that the charge of the unadministered tribal tracts is also in the hands of the Chief Commissioner (in his capacity of Agent to the Governor-General), it is common to refer to the whole area as though it formed the province. The technical position is strikingly illustrated by remembering that British India stops at the boundary of the administered area, and when one motors along the Khyber road from Peshawar to Landi Kotal on the Afghan frontier, one passes out of British India as soon as the district of Peshawar is left behind. On the other hand, the Durand line, which was delimitated as the result of the Agreement of 1893, marks the agreed boundary between the area of British influence over the tribal tracts and the area similarly claimed by Afghanistan. In other words, the mountainous area which used to be regarded as, and called, " independent territory ", is, for the purposes of control, now divided by means of the Durand line between two Sovereign Powers.

The Unadministered Area and the Khyber.

361. It is worth while to dwell on the real nature of the contrast between the government exercised in the five administered districts and in the tribal tracts beyond. In the five districts, of course, there is an organised system of civilised justice, and the machinery for promoting law and order is represented by a police force and other instruments for maintaining the peace.

If a crime is committed, efforts are made to investigate it, and to arrest, try, and punish the wrong-doer. If a disturbance threatens, the administrative authorities of the district, co-operating with the civil police force, endeavour to curb it or prevent it. Officers of the Public Works and Irrigation Departments carry on the work entrusted to their charge. There is a system of land assessment revised periodically, under which the landowner pays to Government his quota of the land revenue. A few of the more considerable towns are organised as municipalities, and the local government is carried on there by municipal Commissioners. In short, the civil and judicial administration in the five districts corresponds to that obtaining elsewhere in British India, and the whole apparatus of a provincial executive and judiciary is at work, though, no doubt owing to the rugged character of the country, it may not everywhere be applied with the same finish and intensity that may be met with elsewhere.

Contrast with this the administrative situation as soon as one crosses the invisible line (indeed, in some cases the actual position of the line is not precisely fixed), which divides the administered districts from the tribal tracts. In the tribal areas, no organised magistracy exists, and there is no collection of revenue. The acceptance by the Pathan of control through a Political Agent essentially depends upon the fact that he is not called upon to pay any taxes. Beyond the *locus* of the military roads referred to below, the tribesman does what is right in his own eyes, without being hampered by police sepoys, or the Code of Criminal Procedure. He lives inside his fortified farmstead with his womenkind, cultivates by primitive methods a limited strip of ground, maintains a constant state of feud with many of his neighbours, and knows that, if he shoots his enemy, neither the frontier authorities nor the British courts are likely to interfere. On the other hand, the road is sacred. The road through the Khyber, for example, runs from Peshawar to the Afghan frontier, a distance of 34 miles, through the grimmest of bare mountains, but it is guarded on all necessary occasions by Khassadars, recruited from the tribesmen and paid by the Government of India a monthly wage. The Khassadar provides himself with his own rifle and ammunition, while the authorities supply him with a distinctive head-dress. You see him standing sentinel every hundred yards or so on some crag above the road, and he is the only sign of disciplined authority except an occasional fort or picket-post on the tops of some of the hills. These Khassadars are units in a semi-military organisation controlled by the Political Agent, and the result is that each section of the road is effectively guarded, not only for Statutory Commissioners on tour, but for caravans coming down with loaded camels from Samarkand and Bokhara to the great *sarai* at Jamrud and to the Peshawar bazaar. Now that the railway has

been carried through the pass as far as the frontier, the same system of tribal guards is applied to it—though the railway provides more opportunities for purloining portable pieces of equipment, and the prevention of such thefts is difficult.

A fixed convention has been established, and is insisted upon, that there must be no shooting or other violent crime committed on the road or within a narrow selvedge on either side. Crimes of murder and robbery do, however, occur from time to time in the neighbourhood of the road, and the authorities of the N.W.F.P. are then entitled to take action, and, if the culprit can be found and brought to justice, he is dealt with, not by the judicial authorities of the administered area, but by the Political Agent, who has the powers of a District Magistrate and a Sessions Judge, i.e., he is guided by the spirit of the Criminal Code, and has a jurisdiction which extends to pronouncing the death sentence. A sentence of death requires, however, to be confirmed by a Judicial Commissioner of the Province. A sentence of imprisonment is served in the jails of British India.

Jirgas in the N.W.F.P.

362. Both in the administered districts and in the tribal tracts, there is a system of traditional indigenous justice administered by tribunals called Jirgas. The essential point to bear in mind is that the Jirga system has its origin in tribal custom, and is recognised and applied by the tribesmen themselves in areas where the agents of the Government of India make no attempt to intervene. The system, in a carefully regulated form is, however, preserved and made use of under the authority of the Government of India, both in the administered districts and, for the limited class of cases in which Political Agents intervene, in the area of the tribal tracts.

The Code governing the use of Jirgas is to be found in the Frontier Crimes Regulation of 1901, which is applied not only to the five districts, but to the Political Agencies. But in applying it to the Political Agencies, the Government of India makes it plain that it has no intention of interfering with or undermining in any way the influence, responsibility, or authority of the tribal Jirgas, or of disturbing the practice under which the Elders of the community concerned are ordinarily required themselves to deal with tribesmen who have committed offences in the hinterland away from the road.

In the case of civil disputes, the Deputy Commissioner, if he thinks the dispute is likely to provoke a breach of the peace, or if the dispute is one in which a member of a frontier tribe is concerned, may refer the question to a " Council of Elders " for investigation and report; and when the finding of the Jirga is received, he may issue an operative decree in accordance with the finding, provided that at least three-quarters of the members of the Jirga have concurred in the decision. Thus, disputed

questions involving local custom, matrimonial infidelity, or claims for debt and the like, in which a member of the tribe is involved, may be disposed of without recourse to the ordinary law courts. Vakils and pleaders naturally tend to look askance at this system, for it entirely dispenses with the services of lawyers and no doubt often disregards technical rules. But it is in accordance with ancient tribal tradition, and has the practical advantage of securing decisions on the spot with the help of those who are likely to have the best knowledge both of the actual incident and of local custom. It is significant that there is less challenge of notorious facts, and more frequent admission of the truth, before Jirgas than in ordinary courts where professional advocates are engaged.

Another section of the Regulation (section 11) deals with criminal references. Where, in the opinion of the Commissioner or Deputy Commissioner, it is inexpedient that the question of the guilt or innocence of a person accused of an offence should be tried in the regular criminal courts, the question involved may be referred to a Jirga for decision. The individuals composing the Jirga are subject to challenge by the accused, and when the personnel of the tribunal is settled, it is required to investigate and report upon the facts, the issues being defined for it in simple terms by the Deputy Commissioner, and the verdict taking the form of an elaborate statement of what the Jirga finds to be the truth. If the Jirga reports that the accused is innocent of the crime, this normally concludes the matter; if the Jirga returns a verdict of guilty, it may add a recommendation as to punishment, but the maximum punishment, even for murder, when investigated by a Jirga, is 14 years' rigorous imprisonment. The conclusion of a Jirga is usually unanimous, and the Deputy Commissioner can, as a rule, accept and act upon its finding on matters of fact, but power is reserved for him to refer the matter for further investigation, or in the event of a conviction, to overrule a verdict of conviction in a case where he has reason to think that it should not be relied upon. There is no appeal to a higher court against the ultimate decision of the Deputy Commissioner, but it is not uncommon to petition the Chief Commissioner to exercise his prerogative to review the order made.

Nature of the Constitutional Problem.

363. The Jirga system in the N.W.F.P. throws light upon the constitutional problem raised by the contention (with which we shall have to deal in Volume II) that the province is ripe for an elected legislature and an executive responsible to that legislature. Nobody suggests that the proposed legislature should have jurisdiction over the whole tribal area, as well as over the five administered districts. The tribal area, it is admitted on all hands, must remain under the direct charge of the Government

of India. It is indeed, properly speaking, no part of British India. The Political Officer of the Khyber Agency, for example, never enters the territory save as a guest, but confines his peregrinations to the road, and exerts his influence through interviews with the Pathan chiefs. Manifestly, therefore, there is no question of extending representative institutions or ministerial control to the tribal tracts. But the problem of the administration of justice and of promoting and preserving order in the five districts is intimately, and indeed inextricably, connected with the tribal tracts. Many of the tribesmen who live in the unadministered area in the summer pass into the districts for the winter; others of the tribesmen own or cultivate land on both sides of the line. A large part of the violent crime which is committed in the districts may be safely attributed to men who either live in the tribal area or take refuge in it to escape from the police. An important part of the work of a Political Agent is to induce the headmen of a tribe beyond the administered border to discourage such crimes, to get stolen property restored, and even to return inhabitants of a district who may have been kidnapped. It follows that there must be the closest co-operation between the police in the districts, the Frontier Constabulary (which is an allied force under a Commandant, who is responsible to the Chief Commissioner, and which guards the frontier of the districts), and the Political Agencies. As long as these authorities are under a common head such co-operation can be secured. But, if law and order in the districts becomes a topic dealt with in a provincial legislature, and *a fortiori*, if it were in charge of a Minister responsible to such legislature, it seems certain that this co-operation would be more difficult to secure. The police force in the five districts costs 28 lakhs a year, and amounts to no less than 6,000 men—one policeman for every 375 of the population and almost one for every 2 square miles. The financial burden is, therefore, extremely heavy, and there would be a natural temptation for the legislature and the Minister to throw as much as possible of the burden and the blame on the agents of the Central Government who are responsible for the trans-border area. If difficulties arose, they would involve a reference to the Government of India, and smooth and rapid working, which is so essential in an area constantly exposed to the danger of tribal raids, and to outbreaks of passionate violence, might be impeded. Other illustrations of the difficulties which would be likely to arise could easily be given. For example, the officer who may be best qualified to be appointed Political Agent is likely to have gained his experience in the administration of an adjoining district. Behind the civil organisation lies the military arm, and in the last resort, if troops have to be called upon, it seems essential that the request should be put forward from a single source and as the result of a co-ordinated plan.

Moreover, the statesman who is prepared to face the greater issues that are involved in the constitutional problem of the N.W.F.P. must not confine his attention to the five districts and the adjoining tracts. On the other side of the Durand line is the sovereign state of Afghanistan, with a population largely composed of wild tribesmen with the closest racial affinities to the tribes under the control of the Government of India. Just as there is a constant movement to and fro of these Pathans between the districts of the N.W.F.P. and the adjoining tribal tracts, so there is a constant movement between these tribal tracts and Afghanistan. The proceeds of a burglary in Peshawar, or of a looted caravan on the Khyber, may be sold in the bazaars of Kabul, and when the realities of the situation are examined on the spot, one is driven to admit that the artificial line which theorists may draw between one particular area and another cannot affect the essential unity of the problem of law and order in this part of the world.

In fact, the question of law and order, which in other parts of British India is a domestic and internal matter, in the N.W.F.P. is closely related to the subjects of foreign and diplomatic policy and of imperial defence. Marauders to whom fighting is second nature, and who possess and freely use arms of precision, are always liable to be swept into frontier raids of a more general character, and the influence which the Mullahs can exert over these fanatical and ignorant tribesmen, combined with the risk of threatening movements on a larger scale in Central Asia, makes the administration of law and order in the N.W.F.P. partake of the nature of an All-India problem.

The Argument for Political Advance.

364. At the same time, the settled and law-abiding inhabitants of the districts, or at any rate such of them as share the aspirations of India's political leaders, have an undoubted grievance. Step by step the rest of India has advanced along the road towards self-government. In this province, there has been no change. Neither the Morley-Minto Reforms, nor the Montagu-Chelmsford scheme, applied to the area, which, indeed, Mr. Montagu had not time to visit. "If constitutional reform," so runs the complaint, "is good for the rest of India, why is it not good for us? It is no fault of ours that we have been cut off from the Punjab, of which we previously formed a part, but while the Punjab has gone ahead, and may now go ahead still further, we have stood still. In vigour and in intelligence we are not behind our neighbours on our eastern border; indeed our own districts have provided records of educational success which put us in front of some portions of the adjoining province. The best way to encourage in the Pathan a greater respect for law is to treat him as a responsible citizen and to give him a vote. Surely, the 2¼ millions who inhabit the North-West

Frontier Province cannot be permanently denied their share in the constitutional advantages which the rest of India enjoys?"

It is impossible not to sympathise with those who make this appeal, though it must be remembered that side by side with them are the members of the small Hindu community, many of whom dread the effects of handing over control to a Pathan majority in a N.W.F.P. legislature. Elsewhere in British India it is the political leaders of the Hindus who usually desire to go furthest and fastest in the direction of the removal of British control and the substitution of complete self-government. In the N.W.F.P. the position is reversed. It was an important deputation of Muhammadans which argued strongly before us that whatever self-government was bestowed elsewhere should also be established at Peshawar, and even the Khans expressed themselves as favourable to the setting up of a legislature, but many of them obviously intended that it should be so constituted as to secure the continued predominance of the Khans. On the other hand, it was an influential body of Hindus which came forward to beg that there might be no weakening of the Executive, and to insist upon the necessity of maintaining a strong British element in the administration, and not even the proposal that one-third of the seats should be reserved for Hindus of the province seemed to take away their fears. Time and experience alone can show the best path through this thicket of difficulty, but, in deciding on the pace of advance, it has always to be remembered that, down to the present moment, the province has had no real experience at all of the principle of election, though this has not been due to any lack of anxiety on the part of the authorities to provide it.

"The question of introducing an elective element in the Peshawar Municipal Committee" says the Deputy Commissioner of the District in a recent report, "has been under consideration for the last 16 years. On all previous occasions, when it has been proposed, communal difficulties have supervened and the matter has been dropped. However, in October 1927 it was decided that some definite forward step must be taken in consequence of the approaching visit to India of the Statutory Commission." Unsuccessful efforts were made to induce the leaders of the two principal communities to agree upon some basis of representation. It was eventually decided by the N.W.F.P. Government that the committee should consist of 4 official members, 8 nominated non-officials, and 8 elected non-officials, the last being all elected in communal constituencies. Of these 5 were to be Muhammadans, 2 Hindus and 1 a Sikh, in accordance with the numerical proportion of the three communities in the city. The elections were held last November. In five constituencies all the candidates but one retired before the close of the contest. In the remaining three constituencies elections were held. No party made any attempt to preserve the secrecy of the ballot, and all voters freely ranged themselves in

opposite camps. Violence was threatened, but to the general relief averted. In every case of a contested election, however, petitions have been lodged alleging material irregularities, undue influence and corrupt practices against the successful candidate.

It would, of course, be a mistake to attach great importance to the results of a first experiment, but they are clearly unfavourable, and the introduction of the elective system into other municipalities of the province has been delayed until further experience has been gained in Peshawar.

In our second volume, we shall have to return to the difficult subject of the future constitution of the N.W.F.P. We shall endeavour to propose a mode of treatment which, while recognising the special position of the area and its vital connection with the defence of India, will make such provision as is possible for meeting the natural desire of some of its inhabitants to have a voice in framing the laws under which they live.

Baluchistan.

365. The mountainous country of Baluchistan is considerably larger than the British Isles, and between three and four times the size of the administered districts and tribal tracts of the N.W.F.P. combined. Yet its total population is only 800,000, or under 6 per square mile. There are only two towns worth the name, Quetta and Sibi, and only seven smaller townships. The indigenous population lives in hamlets or in tents; less than two per cent. of the area is cultivated, and half the Baluchis are still nomadic. Baluchistan lies outside the range of the monsoon, and its rainfall is slight and uncertain. So little are its inhabitants touched by education that, of the 733,000 Moslems in the country less than 10,000 are literate, and more than half of these are not Baluchis. In the few towns, aliens congregate (largely Punjabis), who serve the needs of the troops and return to their homes in India when their business is over. Baluchistan yields no surplus of revenue. The occupation of the country was forced upon the Government of India and is maintained for purely strategic reasons.

Two-thirds of Baluchistan, containing half its population, is not under British administration and could not, therefore, be brought within the scope of any statutory system of reforms. In this category fall the State of Kalat and its feudatory Las Bela, and the Marri and Bugti country which is either independent or feudatory to the Khan of Kalat. Of the remaining third only 9,000 square miles, with a population of 128,000 is British territory in the full sense. The rest consists of "Agency areas."* These areas are administered by the Chief Commissioner as Agent to the Governor-General, under the

* On the map at the end of the volume, the British Territory is coloured pink. The agency areas, and any tribal territory outside the the Indian States, are coloured light yellow; the Indian States, yellow.

authority of the India (Foreign Jurisdiction) Order in Council of 1902 to which we have already alluded.* Although the administration of the British and Agency areas is not at present distinguishable—all laws in force in British Baluchistan being deemed, by virtue of a notification made under that Order, to be in force in the Agency territories in the absence of a declaration to the contrary—much of the Agency area consists of tribal territory taken under British administration at the request of its headmen, and it might well be held inequitable to introduce substantial changes in the method of its government without their consent.

In considering the possibility of granting reforms to a part of Baluchistan, one difficulty that arises is the risk of disuniting diverse elements in the country, upon the co-operation of which the success of the administration depends. This co-operation is obtained by the working of the Jirga system, and since this is not in all respects the same as in the N.W.F.P., some account of it is added here.

Jirga System in Baluchistan.

366. There are many parts of India in which a village tribunal, composed of the principal villagers, decides small cases, both civil and criminal.† But in the N.W.F.P. and in Baluchistan, the method of administering justice through tribunals composed of the leading residents, without the aid of lawyers or trained judges, is carried much further. In the N.W.F.P., as we have just seen, the method is to refer any important disputes which cannot be satisfactorily dealt with by the Courts which British rule has set up, to Jirgas, who investigate and report. But in Baluchistan, the order of events is reversed, and the system is, indeed, the basis upon which respect for civil rights and criminal law is founded. Jirgas are of various kinds. The ordinary Jirga meeting in a village consists of a number of nominated headmen; as many as 15 or 20 may be on the panel; when a crime has been perpetrated or a civil dispute arises, the Jirga will investigate it.

The method usually followed in the case of an ordinary crime is for the village levy (which takes the place of police, for there is no police force in Baluchistan, outside Quetta City and the Bazaars, other than these village levies organised by village headmen, who are thus made responsible for law and order in their localities) to make inquiry and take statements, after which the case comes to the Extra Assistant Commissioner, who frames simple issues (such as, Was so and so murdered? Who murdered him? Was there any excuse for the crime?), and then refers them to the Jirga. The Jirga meets, hears witnesses, debates the matter, and finally embodies its conclusion in a full statement of the facts which are found to have occurred, including a

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* See para. 89, p. 71 above. † See para. 347 above.

specific finding on the issues, and recommends the punishment to be inflicted. A Jirga cannot recommend the death penalty; the maximum punishment is 14 years' rigorous imprisonment. The matter then comes before the Extra Assistant Commissioner, who as a rule does not alter the findings of fact, but confirms or modifies the punishment. In some cases, the Extra Assistant Commissioner sends the case back for further inquiry. All important cases concerning land, women, and water (the three main causes of dispute) must be referred for framing of issues to the Extra Assistant Commissioner. This system seems to work to the satisfaction of the public. The conclusions reached by the Jirga are seldom set aside, and owing to the fact that the investigation takes place on the spot, through people who are most likely to know local circumstances, many cases are decided on the admission of the defendant.

In addition to the ordinary Jirga, there are four other varieties:—(1) The District Jirga, where the panel is drawn from leading men throughout the district; (2) The Inter-District Jirga, when the two parties are from different districts; (3) The Special Jirga, such as may be constituted in cases where the accused says he is not satisfied that he will get a fair hearing from the ordinary members; in such a case, the Extra Assistant Commissioner may allow both parties to choose some of the tribunal, and will nominate a *sarpanch* (i.e. a president) himself; (4) Once a year at Quetta and once at Sibi there meets the Shahi Jirga (King-Jirga) for the whole of Baluchistan, and this important body deals with cases which cannot be disposed of conveniently by the lower tribunals, and especially with disputes which have so far resulted in a deadlock.

There is a corresponding Jirga system for civil disputes, which seems to work equally well. A case involving a resident in the area goes as a matter of course before the local Jirga, after the Extra Assistant Commissioner has framed the issues. The only cases which are tried in the formal courts of Baluchistan are cases arising in connection with organised trade, or, of course, cases affecting aliens. (In Baluchistan, an Indian is an alien no less than an Englishman.) Even when a formal court of justice has pronounced a decree against a defendant to pay a sum of money, if difficulty is found in executing the order, it is common to refer to a Jirga the question of how best the plaintiff may get paid, and the Jirga investigates the matter and decides.

The Chiefs of Kalat sit in the Shahi Jirgas and advise on the exposition of customary law and the settlement of the more important disputes, alike in the administered districts and the Kalat State. When any special question affecting the tribesmen arises outside the routine of administration, such, for instance, as questions of horse-breeding or the wool industry, the Agent to the Governor-General takes advantage of the Shahi Jirga to call together and consult the tribal representatives.

It may be safely stated that the Baluchis have not themselves sought any alteration of the existing regime. The demand for representative institutions of a western type certainly does not come from them.

The Province of Delhi.

367. Delhi was constituted a province in 1912, with the sole object of providing the Government of India with a seat free from the dominant influence of any provincial Government. Its Budget, like those of all the minor administrations but Coorg, is a part of the Budget of the Central Government. The Indian Legislature can legislate for it. But under the Act which constitutes the province, the Governor-General in Council has the power of extending to it any Acts in force in any other part of British India.* By this simple method uniformity can be maintained between the laws of this province and those of the Punjab, of which Delhi was formerly a part. Delhi is represented in the Assembly by one elected member,† and its Chief Commissioner is in practice nominated a member of the Council of State. But its normal interests are naturally municipal, and its Municipality and District Board provide it with a sufficient platform for the expression of its wishes. Principally for this reason, no council has been set up to advise the Chief Commissioner. The province generally obtains its administrative officers from the Punjab, and is subject to the jurisdiction of the Lahore High Court.

Ajmer Merwara.

368. Ajmer Merwara is separately administered only because it is too isolated to be included in any Governor's province. As the map at the end of this volume shows, it lies at the very centre of Rajputana, which is the largest expanse of State territory in the whole of India. From the United Provinces, the nearest of the Governors' provinces, it is at no point distant less than 150 miles. A committee appointed by the Government of India in 1921 to examine the administrative and judicial arrangements of the province, and to advise on the changes necessary to enable it to participate in the Reforms, reported that the establishment of a legislative council for so small an administration was out of the question, and that the most suitable solution was to amalgamate it with the United Provinces. But this proposal was welcome neither to the bulk of the people of Ajmer Merwara itself nor to the Government of the United Provinces. That Government pointed out both the isolation of Ajmer Merwara and its differences of law, customs and administrative interests. It seems that to the majority of the inhabitants of the province the preservation of their distinctive culture and the continuance of the methods of administration with which they are familiar

* Section 7 of the Delhi Laws Act XIII of 1912.

† See M/C Report para. 274.

are of much greater moment than reforms. The committee considered that an advisory council of the type suggested in the Joint Report would not satisfy the political aspirations of the province for any length of time, and that a legislative council was unsuitable and, besides itself involving expenditure which the province could not afford, would lead to a demand for an executive council, the cost of which would be prohibitive.

In the end, all that was done was to give the province one elected seat in the Legislative Assembly. The Central Legislature can pass laws for the province; but the Governor-General in Council still retains powers of legislating for it by regulation under section 71 of the Act, and of extending to it, as a "scheduled district,"* laws in force in any other part of British India. It is by these latter methods that the province normally obtains its legislation.

Coorg.

369. The Province of Coorg (area 1,580 square miles) owes its separate administration not to physical isolation—for one half of its boundary marches with that of the Madras Presidency—but to historic causes. At the end of the eighteenth century, Coorg allied itself with the British against the common foe, Tipu Sultan. In consequence of the misgovernment of its rulers, Coorg was, with the consent of its inhabitants, annexed in 1834. The British Resident in Mysore is Chief Commissioner in Coorg.

The Coorgs, or Kodagus, from time immemorial lords of the soil, number about 44,000 out of a total population of 164,000. They form the largest compact unit and are strikingly Rajput in characteristics. They have their own language, their own religion, their own national dress and their own system of land tenure.

The constitutional treatment of Coorg presented itself as a difficulty immediately after the passing of the Act of 1919. It was thought that the inhabitants of Coorg would consider an advisory council of the kind suggested in the Joint Report unworthy of their political and educational advancement. The alternatives were, therefore, offered them of amalgamation with Madras or of a legislative council of their own. In a representative meeting of Coorgs holding both moderate and advanced views, the latter alternative was accepted. Rules were accordingly framed for Coorg, separating provincial from central subjects and provincial from central revenues. A Legislative Council of twenty members was constituted, fifteen of them elected on a franchise which in 1927 admitted 6.5 per cent. of the population to the vote. The Council has legislative, deliberative and

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* See above, para. 168.

interrogatory powers. Its resolutions on the Budget are merely recommendatory, but its finance committee has often exerted influence on the Budget in its preparatory stages. Its Bills are subject both to the previous sanction and the subsequent assent of the Governor-General. Two Acts have been passed by the Council. Since it was constituted, the regulatory powers of the Governor-General in Council under section 71, and the powers of the Chief Commissioner under the Scheduled Districts Act, though not repealed, have lain dormant.

A separate legislature for a province of the size of Coorg is clearly anomalous. It has sat on an average for 6 days in the year, but even so has found it difficult not to descend to parochial matters, which are more properly the business of the Coorg District Board, or to interfere in administrative details. There is an antagonism of long standing between Coorgs and Brahmins, which shows no sign of abatement. The Coorgs of the older type look askance at the new blood to which the Council gives eminence; the new elements find the powers of the Council inadequate; while the Chief Commissioner himself, though sensible of the good temper, helpfulness and decorum which the Council has exhibited, is deprived by his position as President from entering into the debates and eliciting advice as he might wish to do.

Amalgamation with Madras would secure political advance at the price of loss of individuality and loss of easy contact with the heads of administration. Coorg would become a mere constituency in a vast political unit. This expedient is still, we gather, unacceptable to the bulk of the inhabitants of Coorg. The alternatives for Coorg are, therefore, closer association with the Centre or the development of its own institutions. The former alternative, involving as it would the loss of the Legislative Council, is unacceptable to the people of Coorg. A desire for the retention of the Council combined with representation in the Central Legislature, was expressed in a unanimous resolution of the Council in 1924. The Government of India, however, did not agree to give Coorg representation at Delhi while it had a Legislative Council of its own. Any large advance on the provincial basis is barred by considerations of expense. The cost of the present administrative system is already high. It has not been found possible to carry out several reforms which are urgently desired, such as the transfer of the powers of a High Court from the Chief Commissioner to a Judicial Commissioner. The day when a separate Coorg will be able to sustain the full paraphernalia of responsible government must lie far ahead.

Andaman and Nicobar Islands.

370. The last of the minor administrations to be mentioned is a group of islands in the Bay of Bengal, where the most important of the penal settlements in India was situated. It was

decided in 1921 to abolish the penal settlement and develop the area which it covered as a free colony. The headquarters of the administration is at Port Blair, which is distant 360 miles from Rangoon and something more than twice that length of voyage from Madras or Calcutta. The indigenous inhabitants of the islands are among the most primitive of mankind; it is only some part of the South Andaman and the islands adjacent to it (totalling 473 square miles), which has been really occupied and administered.

PART V.—THE SYSTEM OF PUBLIC FINANCE.

CHAPTER 1.—CONDITIONS GOVERNING INDIAN FINANCE.

371. The structure of public finance in every country is bound to be in large measure moulded and controlled by economic and social conditions, and before we attempt a more detailed description, we must assemble in this chapter the more prominent factors in the Indian situation which at once influence and explain the general financial system of British India. We refer principally to India's predominantly rural character, its isolated villages, and the dependence of the vast majority of its people upon agriculture; to the low standard of living of the masses, and their poverty; and to the long tradition of centralised administration which has so profoundly affected the nature of its fiscal arrangements. We will devote a few paragraphs in this chapter of our Report to each of these before proceeding further.

Dependence upon Agriculture.

372. In Part I of this volume, Chapter 2, we have attempted to draw a picture of the Indian countryside, and to describe some of the characteristics of Indian village life.* We have emphasized the part which agriculture plays in the life of the sub-continent. Although India has a great industrial output which has secured for it recognition by the League of Nations as one of the eight chief industrial states of the world, more than 71 per cent. of its population is entirely dependent on agriculture. Almost the whole of its exports, with the exception of manufactured jute, consists of agricultural produce. On the other hand, manufactured articles form the bulk of its imports.

The isolation of Indian villages is being modified by motor transport, the remarkable development of which during the last few years has considerably affected the road problem of India and has led to the constitution of a Central Standing Committee on Roads.† But motor traffic from Indian villages is still largely

* Paras. 21 to 28. † See above para. 258.

confined to passengers, and there has been as yet no marked extension of mechanical transport for goods. Thus, the Indian village is still to a large extent economically self-sufficient, and normally consumes what is grown in its own vicinity.

The Monsoon and the Budget.

373. A further characteristic not to be overlooked in this connection is the dependence of Indian agriculture on an uncertain rainfall, and the consequent danger of widespread famines, such as have periodically devastated huge areas of the countryside in past times. These visitations constituted a terrible anxiety, not only to the cultivator, but to British administration in earlier years, and in no sphere of governmental activity during the last half-century has administrative efficiency approached nearer to the point of perfection than in the handling of the problem of drought and in the organisation of famine relief operations. During recent years famine has not been either so frequent or so widespread as in the last century, for the extension of railways and of irrigation, the development of the co-operative credit movement, the growth of industries which attract workpeople from country areas, and the greater mobility of labour have all tended to increase the resisting power of the people and to improve their economic condition. Moreover, as we have explained elsewhere, preparations for dealing with famine, if it is threatened, have been further improved. Nevertheless, more than four-fifths of the cultivated area of the country is dependent upon a precarious rainfall, and as the time comes round each summer when the monsoon is due and expected to break, its arrival continues to be a subject of deep concern not only to the cultivator and administrator, but to the Finance Member.

It is easy to see how all this has its influence upon the methods and calculations of public finance. An unfavourable monsoon affects the budgets of the provinces as well as that of the Central Government. To the former it means expenditure on famine relief works, suspensions and remissions of land revenue, and, in most cases, a reduction in the return from alcoholic excise. Central finances are not, perhaps, affected nowadays so directly, but any natural calamity which reduces purchasing power must tend to diminish the volume of imports, the profits of commerce and the receipts from transport, so that the revenue from customs, income tax, and railways (which, as we shall see, are the principal sources of income of the Central Government) are also involved. The loss of revenue occurs not only in the year in which the monsoon has failed, but often continues into the following year. A former Finance Member of the Government of India once described the Indian estimates as "gambling in rain," and although subsequent financial arrangements have re-distributed the risk, the uncertainty of the monsoon continues to be a serious and disturbing factor in all budgetary calculations.

Poverty of the Masses.

374. The low standard of living to which the mass of India's population attain is one of the first things that strike a Western visitor. Wants are few, diet is simple, climate is usually kind, and a deep-rooted tradition tends to make the countryman content with things as they are. But the depth of the poverty, the pervading presence of which cannot escape notice, is not so easily realised. There have been no official estimates of income per head since 1901-2, when Lord Curzon stated in his Budget speech that the average income per inhabitant of British India had been estimated at Rs. 30, i.e., £2 a year. Since the War, certain Indian and European professors of economics attached to Indian universities have, by different statistical methods, attempted to measure the total income of the country in particular years. One of them has estimated the income per head of British India at Rs. 107 in 1920-21 and at Rs. 116 in 1921-22; a second has arrived at a figure for the whole of India of Rs. 74; while a third, confining himself to the province of Madras, has for the year 1919-20 calculated the average income per head at Rs. 102. Such estimates are necessarily based on inadequate data, for the unsatisfactory nature of the statistical material available has been the subject of comment by almost every committee or commission that has enquired into the economic affairs of India. There is no doubt that there has been economic progress since the beginning of the century, but the later figures must not be used to measure the extent of this progress since Lord Curzon's estimate. For, apart from other factors which vitiate such a comparison, the purchasing value of the rupee had fallen during the period by more than 100 per cent. Even if the most optimistic of the above estimates is adopted, the result is that the average income of India per head in 1922 was equivalent, at the prevailing rate of exchange, to less than £8, while the corresponding figure for Great Britain was £95. The contrast remains startling, even after allowing for the difference between the range of needs to be satisfied.

Inequalities in Wealth and Taxation.

375. But we must not, by dwelling too long on averages, fail to bring out a contrast which the mere use of averages only serves to conceal. We refer not only to the great disparity in the incomes of different classes of people in India, but to the grave inequalities which, as it seems to us, prevail in the distribution of taxation. A poor cultivator, who not only pays to the State a substantial portion of his income from land, but also bears the burden of the duties on sugar, kerosene oil, salt, and other articles of general consumption, seems to receive very different treatment from the big zemindar or landholder in areas where "permanent settlement" prevails, who owns extensive estates, for which he may pay to the State a merely nominal

charge fixed over a century ago and declared to be unalterable for ever, while his agricultural income is totally exempt from income tax. Moreover, there are no death duties in India. We shall return to the difficulties involved in "permanent settlement" in the next chapter. Whatever may be said for the Indian tariff, much of it cannot benefit the agriculturist.

376. The overwhelming predominance of agriculture and the prevailing poverty of the masses explain why Indian revenues are so largely derived from land and from taxes on consumption. These have been, in fact, the principal sources of State revenue from time immemorial. The self-sufficiency of the Indian villages has limited the scope of internal excises to a few articles, such as salt, kerosene oil and alcoholic liquors, for which the rural areas are dependent on extraneous supply. Tobacco, which is a prolific source of revenue in Western countries, is grown in many of the villages and consumed locally in crude form. Administrative difficulties have, therefore, hitherto prevented the levy of an excise on this article. Income tax, which was first introduced in 1860, has never been as important a source of revenue as it has in the industrialised countries of the West. Before the war its proceeds were comparatively unimportant. It produced less than £2 millions sterling in 1913-14, while land revenue was then contributing over £21 millions and customs and excise £16 millions.

Tradition of Centralised Administration.

377. But there is another influence deeply rooted in the traditions of Indian life which has profoundly affected the course taken by the system of public finance. It is the long tradition of centralised administration, which can be traced back to, as it is largely explained by, the succession of conquests to which parts of the Indian continent have been from time to time subjected. At any rate from the time of the Mogul invasions, it has seemed natural that the prevailing system of finance should be imposed by the decrees of a distant authority and applied in every district by agents of the all-powerful Central Government. It is to this mysterious power of "Government" that the Indian villager has been accustomed to look for such help as may come to him, and it is by the orders of "Government" that he has been accustomed to pay his contribution. We do not forget the fact that under a more ancient system there is reason to believe that village communities, of various kinds, supported and managed their local affairs, but in the time which followed, centralisation of Government became so complete that the village community fell into decay. It is only during the last half-century that local authorities, as we know them in the West, have come into existence in local areas. The revival in some districts (but not in all) of village *panchayats* is of still

more recent date.* But, while a devolution of powers to local bodies has thus taken place, an adequate system of local finance has not yet been established. Mr. Montagu set himself to encourage the growth of local self-government, but even to-day, in matters which in England would be regarded as the subject of local finance, a local authority in India is disposed to look for help outside its own borders. The total income in 1927-28 of all the rural boards of British India taken together, from district boards to taluq boards and subordinate units, amounted to less than £4 millions. This may be compared with the figure of £27 millions, the total amount raised by rates collected in the same year in the rural areas of England and Wales from a population not much more than a thirtieth of that of British India. If the proceeds of municipal rates were added on either side, the contrast would be not less striking. Local rates of all kinds, urban as well as rural, produced in 1927-28 in British India about £12¾ millions, which is only a little more than the income from rates in that year of the London County Council alone.

* Compare Pt. IV., Ch. 4, para. 347.

CHAPTER 2.—OUTLINES OF FISCAL SYSTEM BEFORE THE REFORMS.

378. We have in the last chapter referred to the prominent place which the land revenue has always occupied in the fiscal system of India. Even from the purely administrative aspect, it is of special importance, for the land revenue officer resident in an area has been for centuries the centre of governmental authority. The "Collector" of land revenue represents Government in his district for many purposes.* He is the chief magistrate of the district, and many of his principal revenue subordinates exercise important magisterial functions. On him has rested the local responsibility for maintaining law and order, and, until the introduction of the Reforms, he largely presided over the principal authority of the district, which was in charge of elementary education, sanitation and roads. Although he has in nearly all districts (except in the Punjab) ceased to exercise these functions since the Reforms, he everywhere continues to be the officer who co-ordinates the activities of the various governmental agencies in his area. On him and on his revenue subordinates, the Government still depends for maintaining contact with the whole population in his area and for information concerning its general welfare. All this is not an innovation introduced within the period of British rule, but the continuance of a more ancient system which made the other functions of government gather round the collection of revenue.

Pre-British System of Land Revenue.

379. We cannot devote more than a single paragraph to the pre-British system, but no one can understand why the administration of land revenue in India is as complicated and detailed as it is without having something of its history in mind. There are many authorities which might be consulted, notably the first volume of the Cambridge History of India, which is a mine of information on economic conditions and fiscal methods in very early times, and which contains many references to ancient writings and traditions. Looking back through the mists of two thousand years or more, one seems to discern that India was then, as now, a land of innumerable villages. Each village community had its own territory and its own local administration under a headman, who in consultation with the elders who formed the village *panchayat* would decide questions relating to customary rights and duties in the area. The headman seems to have been at first a nominee of the King and removable at his pleasure, but his post afterwards became hereditary, according to the tendency of all similar Hindu offices. It was the headman who was responsible to the Ruler for the revenues to be provided from the village for the year, and he apportioned the amount

* Compare Pt. IV., Ch. 2, para 316.

amongst the villagers. Excepting for the produce of the royal domain, which, of course, belonged wholly to the King, the entire harvest of the village was collected into a common heap, and the share of the State was set aside by the headman before the general distribution. Between the village headman and the King were a gradation of intermediate functionaries, whose principal duty seems to have been the collection and administration of state revenues.

Relics of this ancient system of assessment still survive in parts of British Baluchistan, and in some of the Indian States, and the hereditary village headman is still, throughout the greater portion of British India, an important link in the chain of civil officers through whom the administration is carried on, and the medium through which the orders of Government are conveyed to the villagers. As the Muhammadan kingdoms in the sixteenth century expanded, this primitive method of collecting the bulk of the state revenue in the form of grain became difficult to administer, and attempts, which were considerably facilitated by the more extended use of coined money, were made to substitute cash payments for those in kind and to fix the assessment for a period of years. The most notable of these reforms are associated with the name of Todar Mal, the finance minister of the great Mogul Emperor, Akbar, who ruled over so large a part of India for a period almost exactly coextensive with the reign of Queen Elizabeth. In the revenue system established by him, we can already discern in faint outline many of the distinguishing characteristics of the more scientific methods elaborated under British rule two centuries later. Akbar had the land carefully measured and classified according to the fertility of the soil, and introduced a system of decennial settlements, the assessment being fixed at one-third of the normal produce commuted into money. He also established a uniform system of accounting, the terminology of which still persists in almost every part of India. Akbar's system continued in force for over a century, but during the chaos into which India was plunged when the Mogul empire was in process of disruption, the functionaries, who intervened between the supreme government and the actual cultivators, and who had in course of time become hereditary officers, took full advantage of the decline of central authority to consolidate their position and imposed numerous surcharges on the standard assessment for their own purposes. The revenue administration gradually degenerated into what has been described as a "disorganised scramble for the greatest amount of income which could be wrung from the land."*

Origin of Permanent Settlement.

380. Such was the heritage to which the East India Company succeeded, when in 1765 it assumed the *dewani* (revenue administration, including administration of justice) of Bengal,

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* Imperial Gazetteer, Vol. IV, p. 206.

Bihar, and Orissa under the authority of the Mogul emperor who nominally ruled at Delhi. The main source of state income in these provinces at that time was the land revenue, which was collected by the zemindars, who were the principal intermediaries between the Government and the cultivators. Originally merely collectors of revenue, these important functionaries had during the decline of the Mogul empire established a hereditary connection with the land, and had acquired a status far superior to that of a revenue agent.

With the earlier efforts of the Company to reform the system of land revenue, we are not concerned. After the failure of several experimental schemes, the Company decided in 1793 to accept the recommendation of Lord Cornwallis that the land revenue to be paid by the zemindars should be fixed permanently, the amount to be determined on the basis of the actual collections of previous years. Hence arose, so far as the area then involved was concerned, the " permanent settlement " of land revenue which still survives within those limits, but which was not generally extended to other areas as they came within the boundaries of British India.

Its Nature and Operation.

381. The principal features of the " permanent settlement " of Bengal and of certain adjoining areas are described in the report of the Indian Taxation Enquiry Committee* and other official documents from which we have taken much of the information which follows. The arrangement was effected by the Bengal Permanent Settlement Regulation I of 1793, under which the zemindars were declared proprietors of the areas over which their revenue collection extended, subject to the payment of land revenue, and to the liability to have their lands sold for failure of payment. The assessment fixed on the land was declared to be unalterable for ever, and the Government specifically undertook not to make any demand on the zemindars, or their heirs or successors, " for augmentation of the public assessment in consequence of the improvement of their respective estates." It was fixed at approximately 10/11ths of what the zemindar received from the *ryot* by way of rent, the remaining 1/11th being left as the return for his trouble and responsibility. The percentage of the rental demanded in the shape of land revenue was very high, and the assessments were in most cases based on inadequate data. It is stated that, even in 1793, not a single officer of the Company could state with accuracy the entire actual amount which the zemindar in his district received from the *ryots*, or the proportion it bore to that which the zemindar paid to the Government. There was, as a consequence, in the earlier years widespread default in payment, and large numbers of estates had to be put up for sale. One of the incidental results of this has been the amazing growth of

* Indian Taxation Enquiry Committee, 1924–5, Ch. 4.

sub-infeudation, the extent of which is a peculiar feature of many of the districts of Bengal. When the zemindar found that his estate was unmanageably large, or when he desired to share with others the burden for the payment of land revenue, he let part of his property on a permanent managing lease. The lessee in his turn frequently divested himself of the trouble of direct management by creating sub-tenants. In some districts the sub-infeudation has grown to astonishing proportions—as many as 50 or more intermediate interests having been created between the zemindar at the top and the actual cultivator at the bottom.

Some Consequences of Permanent Settlement.

382. Whatever may be said for the wisdom of the policy carried out by Lord Cornwallis, and however absolutely the guarantee then given to the zemindars and their heirs must be fulfilled, the consequences at this time of day are remarkable. There is land in the City of Calcutta, the owner of which pays in land revenue a little over a quarter of a rupee per acre, although the annual value of the land runs into thousands of rupees. Most of the up-country towns in Bengal are built upon permanently settled land, which, thanks to the settlement of 1793, escapes any increased land revenue and pays only a fraction of a rupee per acre. There are large areas which in 1793 were not under cultivation at all and to-day are producing valuable crops of jute. The owners of these portions of land pay practically no land revenue and claim that they can never be required to do so. One result of this is that the districts near Calcutta which were fully developed 130 years ago contribute much more by way of land revenue than some far bigger and far richer districts in remoter parts of Bengal.

The effect of the permanent settlement upon the financial position of the provinces concerned will be further considered in our second volume. We may note in passing two further consequences. Each of the intermediate interests which have been created between the zemindar and the cultivator produces a profit which is measured by the difference between the rent paid by the holder to his superior and the rent received by the holder from the next man in the string. None of these persons pays any land revenue at all. Secondly, since income tax is not charged on agricultural income, neither the zemindar himself, in respect of his zemindary, nor any of these intermediate holders, in respect of their tenures, pays any contribution whatever to the State in the shape of income tax.

Land Revenue Settlements in other Provinces.

383. The evil results of the permanent settlement were slow to develop, while the low cost of collection and the punctuality of the payment of revenue were features of the system which appealed strongly to the commercial instincts of the Company. Indeed, as late as 1862 the introduction of permanent settlements

in all parts of India was seriously contemplated, and it was not until 1883 that the proposal was finally abandoned. The system was extended to the area round Benares (now in the United Provinces) in 1795, and a few years later the Directors of the Company instructed the Madras Government to enter into permanent engagements with the zemindars in Madras, and if no such intermediaries existed, to group villages to form estates of convenient size and sell them by auction to the highest bidder. Except in the north and the extreme south of the Presidency, where the zemindars happened to be descendants or representatives of ancient lines of powerful chiefs, the experiment proved a disastrous failure. Meanwhile, Sir Thomas Munro had introduced in certain parts of the province a system of direct settlements with the cultivators themselves, and after a long controversy he was able to convince the Directors of the superiority of his system, especially in tracts where there were no enterprising intermediaries. The system established in the greater portion of the Madras Presidency, and subsequently introduced in the Bombay Presidency and Burma, is commonly known as the *ryotwari* system; for its most distinctive feature is that the Government deals direct with the *ryot* or cultivator. It must not be imagined, however, that the *ryotwari* system prevents sub-letting and the creation of intermediate tenancies. With the enormous increase of land values under British administration, sub-letting has become exceedingly common. The assessment under this system is fixed on the land, and is paid by the cultivating proprietor for the time being. He is at liberty to relinquish part of his holding or, subject to certain conditions, to add to it by taking up waste land as opportunity arises. The settlement is revised ordinarily once in thirty years.

384. In the area which used to be called the North-West Provinces, now known as the United Provinces, British administrators found a somewhat different system of land tenure in existence at the time of the annexation. In Oudh there were many petty rulers who had been allowed to contract for a sum of revenue and given the name of "taluqdars",* but over the rest of the province there were usually bodies of villagers who, claiming descent from ancient chiefs or other notables, were in possession of the village area. The British merely recognised the proprietary rights of these individuals and bodies and made them jointly and severally liable for the revenue to be paid, a system which was subsequently adopted in the Punjab, but on a slightly different plan. In the Central Provinces, under the Mahratta administration which preceded the British, the revenues of the villages had been farmed out to individuals, who in course of time had acquired a quasi-proprietary position. Their status was formally recognised by the British, who made them responsible for payment of the revenue. In these provinces, however,

* See above, para. 82.

the mistake committed in Bengal of making the assessments unalterable for ever, was not repeated. These settlements are subject to revision.

Diversity of Land Revenue Systems.

385. The Indian land revenue system is thus largely an inheritance from pre-British rulers, a fact which explains its development on divergent lines in the different provinces. In Bengal, Bihar, a fourth part of the Madras Presidency and one district in the United Provinces, the Government has recognised the proprietary rights of zemindars and fixed the assessment permanently. In a large part of the United Provinces, in the Punjab and in the Central Provinces, a similar class of landlords intervenes between the Government and the cultivating tenants, and is primarily responsible for the payment of the revenue; the settlements, however, are subject to periodic revision. In the rest of India, the Government deals direct with the cultivators and discharges some of the functions of a landlord.

With the details of the machinery for the preparation of the cadastral record, for fixing the assessment and for collection of the revenue, we need not concern ourselves. Assessments in the temporarily settled provinces are, as we have explained above, revised periodically (the period of settlement varying from 20 to 40 years in the different provinces), and are a proportion of the net produce or assets of the land. The maximum proportion taken in the shape of land revenue was theoretically half, but in practice it has tended to be very much less in all provinces, and recent legislation in certain provinces has definitely reduced the statutory maximum. When there is a failure of crop owing to an unfavourable monsoon or other natural cause, the land revenue is frequently remitted or collection postponed to a subsequent year. These periodical settlements are of great importance from the administrative point of view, for the functions of the settlement staff involve a detailed inspection of every village, and provide opportunities for an intimate acquaintance with the needs and sentiments of the villagers. Every re-settlement is preceded by an elaborate economic survey of the district, and the reports of the settlement officers, which embody the results of these enquiries, are among the most valuable documents throwing light upon the economic conditions of the country.

Other pre-British Sources of Revenue.

386. We have dealt so far with the growth of the land revenue system under British administration. Of the other sources of revenue acquired by the East India Company in 1765, the most important were royalties on salt, customs, and internal transit duties. The grave scandals associated with the levy of transit duties led to their abolition in 1842, but the other two continued

to expand. At the time of the Mutiny, land revenue was, however, by far the most important source of income, yielding nearly two-thirds of the total revenue of the country, while salt and opium contributed over a fourth. The subsequent development of these three sources of revenue is very closely connected with the gradual increase of the financial authority of the provinces, and in order to understand the changes introduced under this head in 1920-21 by the Reforms, we must briefly sketch the earlier course of this devolution.

Beginnings of Financial Devolution.

387. The reorganisation of British India which followed its transfer to the Crown in 1858 was not at once accompanied by any change in the very highly centralised system of government under which the Governor-General in Council retained complete control over provincial resources as well as expenditure. Indeed, except for surcharges levied on the land revenue in certain provinces to finance local services, provincial Governments remained entirely dependent on annual allotments by the Central Government for the maintenance of their administration, and even the most trivial expenditure required the sanction of the Government of India. The financial history of the next 60 years is very largely a history of the growth of the financial authority of the provincial Governments by a gradual process of devolution of powers to them from the Central Government. Its most important feature was the development of a system of allocation which was known as "provincial financial settlements." The history of this system has been given in detail in the Report of the Royal Commission, which was appointed in 1908, on Decentralisation in India, and a careful description is contained in the Montagu-Chelmsford Report.* We shall, therefore, in what follows, merely refer to the principal landmarks, and indicate the general tendencies of the financial development which took place before the changes of 1920-21 transformed the situation.

Mr. James Wilson's Reforms.

388. Mr. James Wilson took charge of the financial administration of India in 1859. He was an economist of high reputation, who had founded *The Economist* newspaper and had been Financial Secretary to the British Treasury and afterwards President of the Board of Control. When, after the Mutiny, he thus became the first of India's Ministers of Finance, the country was passing through a crisis. A series of budget deficits, occasioned by the numerous wars in which the East India Company had been involved, had doubled India's debt, and the military charges in 1859-60 absorbed more than half the total revenues of the whole of India. Mr. Wilson's first task was to restore financial equilibrium. He made drastic reductions in

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* M/C Report, paras. 104–110.

the expenditure on the army and in all branches of the civil administration, reformed the customs tariff and introduced into India for the first time the income tax. Among his other financial reforms were the creation of a state paper currency, and the establishment of a new system of accounts and of an Audit Board. His short regime of ten months marks the beginning of a new financial era, for it was he who laid the foundations on which has been built the elaborate structure of to-day. He did not, however, himself initiate any devolution to the provinces, for the period was one of great financial stringency, and requirements of economy as yet rendered any relaxation of central control over provincial revenues and expenditure impracticable.

Decentralisation under Lord Mayo and Lord Lytton.

389. Before he had been in India a year, Mr. Wilson died, and it was left to Lord Mayo's Government, nearly ten years later, to take the first important step towards financial decentralisation in India. The administration of certain departments was transferred to provincial Governments, which were given a fixed grant for this purpose, in addition to the departmental receipts, and were also for the first time authorised to allot the revenues assigned to them at their discretion, subject to certain financial rules. The provincialised departments, which included education, police and medical services, though improved administratively, yielded little revenue and furnished no inducement to the provincial Governments to develop their own resources. Nevertheless, this measure of decentralisation, limited though it was, was markedly successful, and provided the justification for a further step, taken in 1877 during the Viceroyalty of Lord Lytton. Important heads of revenue, such as stamp duties, alcoholic excises and income tax collected in the provinces, were now provincialised, while the responsibility of provinces in regard to expenditure was extended to the departments of land revenue, general administration, and law and justice. Fixed grants, however, from the Centre continued; though for the first time, in the case of two provinces, a definite proportion of the land revenue was assigned in lieu of a fixed sum.

Divided Heads of Revenue.

390. From 1882 began the development of the system of provincial financial settlements on the basis of what, in Indian official terminology, is known as " the divided heads of revenue." The problem was how to keep in funds—

(i) A central authority which must be supplied with adequate resources to meet the charges of the services which it administered, and

(ii) Provincial Governments which were in complete or partial subordination to the central authority, but which also had certain classes of expenditure to meet.

The Government of India's Resolution of 1912, dealing with the last of these pre-Reform settlements, describes the method adopted. We extract a portion of this important document :

"To meet its own expenditure, the Government of India retains, in the first place, the entire profits of the commercial departments and, secondly, all the revenues whose *locale* is no guide to its true incidence, such as the net receipts from Customs, Salt and Opium. The income derived from these sources is, however, insufficient to cover the cost of the imperial services, and an arrangement had therefore to be made by which the other sources of revenue should be distributed between the central and the various provincial governments."

In carrying out the distribution of these revenues, the respective needs of the provinces were ascertained, so far as this was possible, by a reference to the expenditure in the preceding years, and revenues adequate to meet them were assigned. The Central Government retained the residue in the form of a proportion—fixed in the case of each province, but not uniform as between the provinces—of the proceeds of the main heads of revenue collected in the province. In practice, however, since no theoretical or objective standard of needs had ever been worked out, the allocations to the provinces were largely the result of history and tradition, and, as a consequence, very considerable differences existed in the standards and methods of administration from province to province. Indeed, critics of this system of "doles" bluntly maintained that the province came off best which was able to exercise the greatest pressure at headquarters.

As the functions of the provincial Governments slowly expanded and began to spread into the sphere of social services, financial settlements with them began to assume a quasi-permanent character, but until the introduction of the Reforms, special grants, recurring as well as non-recurring, continued to be an important feature of the system, and they were definitely utilised for the purpose of stimulating and controlling the development of provincial services, such as education and sanitation.

Such, then, was the general position which Mr. Montagu and Lord Chelmsford surveyed in Chapter V, and proposed to remodel in Chapter VIII, of their Joint Report.

CHAPTER 3.—FINANCIAL DEVOLUTION UNDER THE REFORMS: THE MESTON SETTLEMENT.

Financial Scheme of Joint Report.

391. The Montagu-Chelmsford Report is the most important landmark in the history of financial devolution in India. Its authors, after giving an account of the then existing financial system, based on quasi-permanent allocations and divided heads of revenue, pointed out how seriously such arrangements operated as an obstacle to provincial enfranchisement. Accordingly, when they came to describe the reformed constitution which they proposed for the provinces, the devolution to provincial Governments on which they first insisted was financial devolution. They wrote :—

> "The existing financial relations between the central and provincial Governments must be changed if the popular principle in government is to have fair play in the provinces. The present settlements by which the Indian and provincial Governments share the proceeds of certain heads of revenues are based primarily on the estimated needs of the provinces, and the Government of India disposes of the surplus. This system necessarily involves control and interference by the Indian Government in provincial matters. An arrangement, which has on the whole worked successfully between two official Governments, would be quite impossible between a popular and an official Government. Our first aim has therefore been to find some means of entirely separating the resources of the central and provincial Governments."*

392. The idea underlying the new scheme was that an estimate should first be made of the scale of expenditure required for the upkeep and development of the services which clearly appertain to the central sphere; that resources with which to meet this expenditure should be secured to the Central Government; and that all other revenues should then be handed over to the provincial Governments, which should henceforth be held wholly responsible for all provincial services. So far, this merely meant that existing resources would be distributed on a different basis. Such a plan does not in itself get over other difficulties which might arise from giving to the central and provincial Governments entirely separate resources. The Joint Report declared that almost everyone agreed that a complete separation was in theory desirable, and that difference of opinion was confined to the question of the possibility of carrying it out. But its authors boldly faced the difficulty, and declared for the abolition of "divided heads." Taking each main source of taxation in turn, they considered whether it was more appropriate to regard its proceeds as a central or as a provincial receipt, while at the same time they were bound to give weight to considerations of practical administration. The detailed scheme suggested by them was that customs, non-alcoholic excise including salt, general stamp duties, income tax, receipts from railways and from posts and telegraphs should be assigned to the Central Government.

* M/C Report, para. 200.

Land revenue and irrigation, alcoholic excise, forests, court fee stamps, registration fees, and certain minor sources of revenue should be entirely provincial.

The calculations which were before the authors of the Joint Report led them to estimate that this distribution of sources of revenue would result in a deficit in the central budget, and they, therefore, proposed, as a transitional measure, a system of contributions from each province to the Central Government. Such contributions were to be a definite proportion of the estimated provincial surplus, i.e., of the difference between the estimated gross revenue of each province, under the new scheme of distribution, and that province's estimated "normal expenditure."

In order to find some means of enlarging the taxing power of provincial Governments, they recommended that certain subjects of taxation should be scheduled as reserved for the provinces, but that the residuary powers of taxation should be retained in the hands of the Government of India, with whom the ultimate responsibility for the security of the country rested. It will be observed that this last proposal is not entirely consistent with the general principle previously laid down for the distribution of financial resources.

Appointment of Meston Committee.

393. The financial scheme contained in the Joint Report met with much opposition, particularly from the agricultural provinces of Madras and the United Provinces, whose aggregate initial contributions, as proposed in the Report, had been fixed at more than half the total contribution from all the provinces. On the suggestion of the Government of India, endorsed by the Joint Select Committee of Parliament, a Committee, known as the Financial Relations Committee, was appointed, primarily to devise a scheme of provincial contributions, and also to advise on the claim of Bombay to a share of the proceeds of income tax. The Committee consisted of Lord Meston, Mr. Charles Roberts, and Lieutenant-Commander E. Hilton Young, and its Report is usually known as the "Meston Report."* The Meston Committee explained in its Report that it was precluded from recommending any alteration in the scheme of distribution of the sources of revenue, unless it found the strongest reasons for such a course. It is necessary to emphasise this, for it is not always realised that many of the defects of the so-called "Meston Settlement," which have provoked severe criticism during the last few years, are inherent in any scheme for the complete separation of the sources of revenue, and for this separation the Meston Committee was not responsible.

The Meston Report.

394. The Meston Committee reported in March, 1920. It generally endorsed the conclusions of the Montagu-Chelmsford

* Report of the Financial Relations Committee. Cmd. 724 of 1920.

Report, and advised against a division of income-tax proceeds, while recognising that it would not be possible permanently to exclude provincial Governments from some form of direct taxation upon the industrial and commercial earnings of the people. It recommended that general stamps be made provincial, for financial and administrative reasons. As regards the initial contributions, it found that there was general agreement as regards estimates of provincial revenue, but that the estimates of normal expenditure were very strongly contested. The Committee, therefore, decided to follow the line of least resistance, and to assess the initial contributions on the "increased spending power" of each province resulting from the new scheme of distribution, i.e., the additional income which each province would acquire on the separation of the sources of revenue. The initial contributions were not, however, intended "in any manner to represent the ideal scale on which the Provinces should in equity be called upon to contribute." These initial contributions were to be reduced or increased over a period of seven years so as to conform to certain "standard proportions" based on the relative taxable capacity of the provinces, their indirect contributions to the Central Government, the relative incidence of central taxes, and other economic factors.

Action taken on Meston Report.

395. The proposals of the Meston Committee met with a very mixed reception. Some provincial Governments were content with the contributions proposed for them, but certain provinces—particularly Bombay, Bengal and Madras—very strongly protested against the scheme, though the points of attack were not identical in each case. Some disliked the initial contributions, some the scheme of standard contributions, while Bombay contested the very basis on which the allocation was made. The Meston plan was embodied in draft rules to be made under the new Government of India Act, and in this form came before a Joint Select Committee of Parliament. The Committee accepted only the scheme of initial contributions. It considered that the ideal proportions suggested by the Meston Committee should be reached, not by a process of redistribution, but by a gradual reduction of the aggregate contribution. The aim should be the total extinction of these contributions and not a perpetuation of standard contributions. While definitely opposed to provincialisation of the taxation of income, the Joint Select Committee recommended that, on grounds of policy, provinces should be given some share in the increase of revenue from income tax. Parliament adopted in substance the recommendations of the Joint Committee.

The Meston Settlement.

396. Such, in brief, is the history of the scheme commonly known as the "Meston Settlement." The fiscal relations

between the Central Government and the provincial Governments are laid down in rules made under the Act. These rules are the Devolution Rules, one part of which, as we have already explained,* serves to distinguish between central and provincial subjects, and to sub-divide the latter between what is reserved and what is transferred. A second part of the Devolution Rules dealt with financial arrangements, and governs the present distribution of the sources of revenue between the central and provincial Governments. The more important sources of provincial revenue are defined as follows :—

(1) Receipts accruing in respect of provincial subjects (which include irrigation, land revenue, forests, excise on alcoholic liquors and narcotics, stamps, and minerals).

(2) A share in the growth of revenue derived from income tax collected in the provinces, so far as that growth is attributable to an increase in the amount of income assessed.

(3) The proceeds of any taxes which may be lawfully imposed for provincial purposes.

The new taxes which a province may levy are not, however, specified in the Devolution Rules. The procedure regulating such taxes is laid down in section 80A of the Act itself, which requires the previous sanction of the Governor-General in Council for the introduction of any legislation in provincial councils imposing new taxes (except those specified in a schedule as exempted from this provision), or affecting the public debt of India or the customs duties or any other central tax. Among the "scheduled taxes" are succession duties and taxes on betting, advertisements, amusements and specified luxuries.

The sources of revenue of the Central Government are not specified as such, but the subjects classified as central include customs, income tax, salt, posts and telegraphs, railways, the cultivation of opium and its sale for export. The list of central subjects also includes an item reserving to the Central Government all matters not included among provincial subjects.

The Devolution Rules also provided for the payment to the Central Government of the contribution fixed by the Meston Committee. The contributions to be made by the provinces to meet the central deficit varied widely in amount, from 348 lakhs of rupees in the case of Madras, 240 lakhs in the case of the United Provinces and 175 lakhs in the case of the Punjab, to 63 lakhs from Bengal, 56 from Bombay, 22 from the Central Provinces and 15 from Assam. Bihar and Orissa was to make no contribution at all. The proportions in which these contributions were to be reduced, in case the Central Government found it possible to do so, were specified in these Rules, which also contained a provision under which, with the previous sanction of the Secretary of State, the Government of India

* See Part II., Ch. 3, para. 142, and Ch. 4, para. 157; also Appendix II, p. 126.

could in emergencies raise the contribution of any province. Actually, no such emergency arose, and the contributions were gradually reduced and finally extinguished in 1927-8.

Question of Joint or Separate Purses.

397. We have so far confined our attention to the distribution of resources and other fiscal arrangements between the Central Government and the provinces under the Reforms. We must now briefly describe the procedure regulating the allocation of revenues to the two halves of the provincial Government and the functions assigned to the provincial Finance Department in the dyarchical system.* There had been much discussion during the gestation of the Reforms as to whether the revenue which a province was to spend should form a single fund out of which authorised outlay should be drawn or whether, in view of the introduction of dyarchy, the transferred departments should have resources of their own, distinct from the resources available to the reserved departments. The alternative was described as a choice between the method of a "joint purse" and that of a "separate purse". According to the plan favoured in the Joint Report, the provincial budget was to be framed by the Executive Government as a whole.† The first charge on provincial revenues was to be the contribution to the Government of India; after that the supply for the reserved subjects was to have priority. The allocation of supply for the transferred services was to be made by the Ministers, who would, with the Governor, also decide whether additional taxation was to be imposed. These proposals were criticised by the Government of India on the ground, among others, that annual allocation of funds would generate serious friction between the two halves of the Government. It expressed its preference for a division of provincial resources so that the method of "separate purses" might be followed, and this was the form adopted in the Government of India Bill as it was introduced into Parliament. The Joint Select Committee, however, did not endorse this suggestion, but recommended that the Governor should allocate a definite proportion of the revenue to the two sides, unless agreement could be reached between them without his exercising this power. This was the scheme ultimately embodied in the Act. Consequently, in each Governor's province, the two sides of Government confer on this matter and endeavour to reach an agreement as to the amounts of the estimates to be put forward by the different departments which they represent. The department of the Finance Member collates the various suggestions and demands, and the Governor is available to assist in removing obstacles and in promoting the spirit of adjustment. It is a very gratifying circumstance that, in spite of

* Para. 144 above. † M/C Report, para. 256.

the financial stringency through which the provinces have passed and the natural anxiety of Ministers to secure the largest possible grants for "nation-building" services, there has been no occasion in any province when the Governor has had to resort to the power, which he has in reserve, of ordering the allocation of available funds in such a way as seems most proper, and that without exception the two sides of Government have reached an agreement as to what was best to be done in the difficult circumstances.

398. It was inevitable that, under the dyarchical constitution, the provincial Finance Department should occupy a peculiar and distinctive position in the administrative system, for its functions, which include control of expenditure, bring it into intimate contact with all other departments. A section of the Devolution Rules is devoted to a definition of its functions and its relations with the transferred and reserved halves of the Government. Its duties are largely advisory. It examines and reports on all schemes of new expenditure, on questions relating to establishments, on taxation and on loans. Its advice may not be rejected by a reserved department without reference to the Executive Council, but a Minister may disregard it on his own responsibility. If he does so, the Finance Department may demand a reference to the Governor, but the latter may not disregard the advice of Ministers save for special reasons. In theory, the Finance Department does not initiate taxation, but only reports on proposals for fresh taxation emanating from the reserved or transferred half of the Executive. The Devolution Rules do not provide that it should take part in the allocation of revenues, which, as we have explained, is a matter for agreement between the two halves of the Government.

CHAPTER 4.—FISCAL DEVELOPMENTS SINCE THE REFORMS.

Financial Stringency in the Provinces.

399. Along with the grant of financial autonomy and the assignment of independent sources of revenue to the provinces, responsibility for the administration of all provincial services passed to the provincial Governments. It had been hoped that the substantial initial surpluses which the provinces were expected to get (according to the calculations on which the Meston scheme was based), would enable Ministers, when they took charge of transferred departments in 1920, to develop the "nation-building" services entrusted to them without the imposition of additional taxation, at any rate in the earlier years. Indeed, so great was the political importance attached to the obligation to leave each province with a reasonable margin for such development that the Meston Committee actually regarded it as a limiting consideration by which it was bound, and one of the grounds put forward in the Meston Report to justify its scheme of contributions was that it was thus possible "to comply with the requirements of leaving each province with a surplus, and of inaugurating the new Councils without the necessity of resort to fresh taxation."* Circumstances over which neither the Government of India nor the provincial Governments had any control rendered the realisation of these hopes impossible. India, like every other country that had taken part in the War, was at the time of the introduction of the Reforms passing through an acute financial crisis. It had for several years concentrated its energies on the prosecution of the War, and developments in all civil departments had been suspended or curtailed. There was, consequently, during the first few years after the termination of the War, much reconstruction work to be done. Salaries had also to be increased to meet the increased cost of living, while the instability of the currency and the fluctuations of prices were factors which impeded industrial and commercial development and seriously disturbed the financial situation. The consequences of this combination of adverse circumstances will be evident from the following table, in which the estimates made by the Meston Committee in 1920 of the surpluses which would be left to the provinces under its scheme are contrasted with the actual provincial surpluses or deficits in the first complete year under the Reforms, 1921-22.

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* Meston Report, para. 14.

(In lakhs of rupees).

	Estimates by Meston Committee of increased spending power gained by the provinces under its scheme.	*Actual surplus (+) or deficits (—) in 1921-22.*
Madras	+ 228	— 99
Bombay	+ 37	— 191
Bengal	+ 41	— 215
United Provinces	+ 157	— 148
Punjab	+ 114	— 171
Burma	+ 182	+ 14
Bihar and Orissa	+ 51	— 15
Central Provinces	+ 30	— 24
Assam	+ 27	— 24

Political Consequences of Financial Stringency.

400. The history of financial administration during the first three years after the introduction of the Reforms is, therefore, largely that of the struggles of the central and provincial Governments to establish financial equilibrium by drastic economy and recourse to additional taxation. Court fees, stamp duties, registration fees and the excise duties on liquors were increased in almost all the provinces, while at least three provinces seriously contemplated the levy of succession duties. Special committees and officers in all the provinces made detailed enquiries into the expenditure of all departments. Consequently, so far from there being any marked development of the " nation-building " services entrusted to Ministers, expenditure on the transferred departments at the end of 1923-24 was actually less than in the year 1921-22. The following figures show the reduction in the larger provinces :—

Expenditure on transferred departments (in lakhs of rupees).

	1921-22.	1923-24.
Madras	428	418
Bombay	561	478
Bengal	352	321
United Provinces	352	314
Punjab	307	282

It is not, therefore, surprising that in these years the financial arrangements, commonly, though not quite accurately, known as the Meston Settlement—and in particular the contributions to the Central Government—became the subject of bitter criticism by all the provinces. It is also easy to see how this acute financial stringency had its reactions upon the political situation. The majority Report of the Muddiman Committee declared that " the difficulty arising from finance has formed one of the main obstacles to the success of the Reforms."* The

* Report of Reforms Enquiry Committee, 1924, para. 56.

following passage in paragraph 53 of that Report indicates the views of some of the provincial Governments :

"The Madras Government refer to the deep sense of injustice felt with this settlement as contributing to the dissatisfaction felt at the working of the reforms scheme; and they say that unless the financial embarrassments consequent thereon can be mitigated or removed, no changes whether in the direction of extending the sphere of ministerial control or otherwise will result in material improvement. The Bombay Government say that they have never ceased to protest against this settlement; complaints are being perpetually made that the departments controlled by Ministers are being starved; and until the financial arrangements existing between the Governments of India and of Bombay are readjusted, no hopes can be held out of the satisfactory working of the Act of 1919. The Bengal Government say that in Bengal the Meston Settlement is one of the main defects in the constitution; it stood condemned from the outset, and to this more than to any other cause, perhaps, may be attributed much of the discontent against the reforms, which prevails even among the more moderate element. Finally, the Assam Government say that of all the remediable defects which have hampered the working of reforms, finance is the most important; if even at this stage the Ministers could be given a surplus, however modest, an enormous improvement in the situation would result."

The Muddiman Committee further observed as follows :—

"It is due to it (i.e. the Meston Settlement) that Ministers have been unable to enter upon a policy of progressive development in the spheres of administration committed to their care. If they had been able to do so, they would have been able to provide an answer to those critics who have reiterated the allegation that the reforms were a sham, and they would also have been able to consolidate their position or else have been required to make way for other Ministers who could have enunciated a policy more acceptable to the councils which would incidentally have assisted in the establishment of the responsibility of the Ministers to the councils."*

Situation of Central Finance.

401. The Committee recommended a revision of the Meston Settlement as soon as a favourable opportunity occurred, and expressed the hope that it would be possible to reduce the provincial contributions at an early date. The financial embarrassments of the Central Government, however, were not at the time less serious than those of the provinces. For three successive years before the introduction of the Reforms the accounts had revealed deficits aggregating over Rs.55 crores, while army expenditure, instead of decreasing after the termination of the War, was rapidly increasing. Indeed in 1921-22 it amounted to Rs.78 crores, which was a little more than the entire net revenue in that year of the Government of India, excluding the provincial contributions. The first budget of the Central Government under the reformed constitution included proposals for heavy additional taxation, mostly under customs duties. It was hoped that these new taxes would give a small surplus, but actually, owing to the depression in trade and the failure of the monsoon, there was again a big deficit of Rs.28 crores. The additional taxation imposed in the following year included an increase in the rates of income tax and

* Report of Reforms Enquiry Committee, 1924, para. 56.

super tax, in the general customs duties and in the duties on sugar, machinery, matches and articles of luxury. There was still no promise of a balanced budget, and under insistent pressure from the Legislative Assembly, a Committee, presided over by Lord Inchcape, was appointed to scrutinize the expenditure of all the central departments. After an enquiry of more than two months, the Committee recommended retrenchment to the extent of over Rs.19 crores in the expenditure of the Central Government. Military expenditure, which had already been reduced to Rs.65 crores in 1922-23, was cut down by over Rs.9 crores, and by the doubling of the salt duty financial equilibrium was at last restored. The financial position improved so rapidly in the following years that Sir Basil Blackett, who took charge of India's finances in 1923, was able not only to reduce the salt duty, but also to abolish the excise duty on cotton goods, which had been the subject of vehement attacks in India for nearly 30 years. And among the great financial reforms associated with his term of office was the gradual reduction and the final extinction in 1927-8 of the provincial contributions.

But while every province gained relief by the ending of provincial contributions to central funds, the relief was exceedingly unequal. The defects of the Montagu-Chelmsford scheme, which at first were screened by these contributions, have now been fully revealed. In the second volume of our Report, Mr. Layton deals in greater detail* with the financial consequences of the Meston settlement, and in particular with the contention that it has unduly favoured the agricultural, at the expense of the industrial, provinces.

Origin of Fiscal Convention.

402. Developments in tariff policy require a more detailed treatment. We have in an earlier part of our Report† quoted the opinion expressed by the Joint Select Committee that the Secretary of State should not (save in exceptional circumstances) intervene in matters of purely Indian interest when the Government and the Legislature were in agreement. Its examination of the question of the fiscal relations between India and other parts of the Empire, with reference to India's position in the Imperial Conference, led to a more specific recommendation on questions of fiscal policy. This part of the Report of the Joint Select Committee we must repeat here :

> "Whatever be the right fiscal policy for India, for the needs of her consumers as well as for her manufacturers, it is quite clear that she should have the same liberty to consider her interests as Great Britain, Australia, New Zealand, Canada and South Africa. In the opinion of the Committee, therefore, the Secretary of State should as far as possible avoid interference on this subject when the Government of India and its Legislature are in

* Vol. II, Part VIII.
† Part III, Chap. 5, para. 268

agreement and they think that his intervention, when it does take place, should be limited to safeguarding the international obligations of the Empire or any fiscal arrangements within the Empire to which His Majesty's Government is a party."

This recommendation was affirmed by the Home Government and now governs the relations between the Secretary of State for India and the Government of India. We may quote the words used by Mr. Montagu on 3rd March, 1921, in reply to a deputation from Lancashire on the Indian import duties on cotton, when he endorsed the principle laid down by the Joint Select Committee. He said—

> "After that Report by an authoritative Committee of both Houses and Lord Curzon's promise in the House of Lords, it was absolutely impossible for me to interfere with the right which I believe was wisely given and which I am determined to maintain—to give to the Government of India the right to consider the interests of India first, just as we, without any complaint from any other parts of the Empire, and the other parts of the Empire without any complaint from us, have always chosen the tariff arrangements which they think best fitted for their needs, thinking of their own citizens first."

The Secretary of State's despatch of 30th June, 1921, formally put on record that he had, on behalf of His Majesty's Government, accepted the principle recommended by the Joint Select Committee.

The Fiscal Commission, 1922.

403. One of the first results of the establishment of the fiscal convention was the appointment by the Government of India, on the suggestion of the non-official members of the Central Legislature, of a Committee "to examine with reference to all the interests concerned the tariff policy of the Government of India, including the question of the desirability of adopting the principle of Imperial Preference." This body, usually described as the Fiscal Commission, consisted of four European business men and officials, Mr. Maynard Keynes, the well known economist, and seven Indians. Mr. Keynes was, however, unable to join the Commission and did not sign its report. The principal recommendation of the Commission was that the Government of India should definitely adopt a policy of protection to be applied with discrimination on certain lines indicated in the report. All claims for protection were to be examined by a Tariff Board, which was to consist of three members nominated by the Government, and which would also watch the operation of the tariff and advise the Government. In dealing with claims for protection, the Board was to satisfy itself that the industry possessed natural advantages, that it was not likely to develop without the help of protection and that it would eventually be able to face world-competition unprotected. On the question of Imperial Preference, the Commission recommended that no general system should be introduced but that the possibility of preferential duties on a limited number of commodities should be considered by the Indian Legislature after a preliminary

examination by the Tariff Board. There was a minute of dissent by five of the Indian members, who, while not disagreeing with the main conclusions of the majority, emphasised the necessity for unqualified protection as the best policy in the industrial interests of the country.

The Tariff Board.

404. The recommendations of the Fiscal Commission became the subject of a heated controversy between the various interests concerned, and the Legislative Assembly after a prolonged debate accepted the Government's resolution, which was in the nature of a compromise, that India's fiscal policy should be "legitimately directed towards fostering the development of her industries." A Tariff Board, consisting of two Indians with considerable experience in economic matters and a senior European official, was immediately established, and it has ever since dealt with claims for protection put forward by particular industries.

Since its constitution in 1924, the Tariff Board has examined numerous applications for protection and, while recommending a protective tariff or a bounty in the case of some industries, has refused similar assistance to others. The Government has invariably accepted the conclusions of the Board on questions of fact, though it has not in every case accepted its specific recommendations. On the other hand, the Legislative Assembly, though overwhelmingly protectionist in its outlook, has not rushed blindly to the application of protective duties and has on occasions shown "a determination that an industry claiming protection must prove its case".* The general political atmosphere and influences emanating from the fiscal history of India in the past have hindered developments towards Imperial Preference, but it is to be noted that the Legislature accepted in 1927 the recommendation of the Tariff Board that British iron and steel manufactures should be given a preference, though the proposal was justified on the merits of the case, rather than on any considerations of Imperial Preference. Proposals have just been adopted (April, 1930) to increase the duties on imported cotton goods, while providing a certain preference for some branches of British manufacture.

* "India in 1924–25," page 171.

CHAPTER 5.—PRINCIPAL SOURCES OF REVENUE AND HEADS OF EXPENDITURE.

405. We have in the preceding chapters described the history and the salient features of the Indian fiscal system and have referred briefly to the political consequences of the financial settlement introduced in 1920-21. To complete our picture of the system and to enable the problems discussed in the second volume to be viewed in correct perspective, we now proceed to give some description of the nature of the principal sources of revenue, central and provincial, and certain figures of present revenue and expenditure.

(a) At the Centre.

406. The main sources of income of the Central Government are, as we have explained, customs, income tax, salt duties, opium, railways and posts and telegraphs. The greater part of its expenditure is on defence. The management of railways and posts and telegraphs, as well as other central administration, falls to its charge. We give below the budget figures under the principal heads of revenue and expenditure for the year 1929-30.

(In crores of rupees, a crore being £750,000; one crore=100 lakhs.)

Revenue.		*Expenditure.*	
Customs	51·22	Defence (net)	55·10
Income Tax	16·60	Debt charges (net) ...	12·14
Salt	6·35	Civil Administration ...	12·67
Opium (net)	2·35	Loss on posts and telegraphs and irrigation	·33
Railways (net)	6·25	Other expenditure (including pensions and cost of revenue collection)	11·15
Currency and Mint ...	3·06		
Other receipts	5·56		
	91·39		91·39

CENTRAL REVENUES.

CUSTOMS.

407. Customs duties (the yield from which is now more than the total revenue from all other central taxes) include export duties as well as import duties. The former are levied on jute, which is an Indian monopoly, on rice and on hides and skins. Before the Mutiny, the general rate of import duties was 3½ per cent. on raw produce and 3½ to 5 per cent. on manufactured

goods, the rates being doubled in the case of articles imported from countries other than the United Kingdom. The financial embarrassments of the Government after the Mutiny compelled it to raise the general rate to 7½ per cent., but the duty on cotton goods remained at 5 per cent. Controversy regarding the cotton duties in the next decade led to their modification in 1879 and to the complete abolition in 1882 of all import duties, except on arms and liquors. India was a free-trade country until 1894, when a low tariff of 5 per cent. was imposed in the interests of revenue, and until the Great War customs duties did not occupy a very important place in the budget of the country, the yield in 1913-14 being only Rs. 11.3 crores, i.e., a little more than a third of the total land revenue of the country. For the year 1929-30, on the other hand, the estimated revenue from customs duties actually exceeds the estimated revenue from land by over 40 per cent. The rapid development of this source of revenue is largely a result of the financial crisis in which the country was involved after the War. Although India has during recent years definitely adopted a policy of what is called " discriminating protection ", the tariff list (now a very complete one) was for the most part drawn up for revenue purposes. The general tariff rate is 15 per cent., but there is a long schedule of articles which are taxed at a lower rate, while certain classes of luxury goods pay at the rate of 30 per cent.

INCOME TAX.

408. The most striking feature of the Indian income tax is the exemption granted to agricultural incomes by the Act of 1886, which has continued ever since. We shall have occasion in our second volume to refer to this highly controversial point and to the effects of this exemption on Indian finances in general. It should be noted that, when income tax was first imposed by Mr. Wilson in 1860,* agricultural incomes were *not* exempt, and the Government explicitly declared that the zemindar holding permanently settled land would be liable to any general tax, such as the income tax, that applied to all others, though he was exempt under the Permanent Settlement Regulations from any special charge upon his land. The tax was levied at a very low flat rate before the War and yielded less than £2 millions in 1913-14. The present income tax is a graduated tax levied on all non-agricultural incomes exceeding Rs. 2,000 (£150), and there is in addition a super tax on incomes exceeding Rs. 50,000 (£3,750). The limits of exemption are generally considered to be too high, particularly for Indian conditions, but no deductions are allowed for families and no differentiation is made between earned and unearned incomes. The rates of income tax, which vary from 2½ per cent. in the

* See para. 388 above.

case of an income of £150, to 10 per cent. in the case of incomes over £3,000, are very much lower than in England. The rate of super tax is as high as 38 per cent. in the case of the largest incomes.

The tax on incomes has not proved as productive a source of revenue as in some other countries. The wealth of the country is, as we have observed, largely agricultural, and agricultural income escapes; and direct taxation is very unpopular among the trading and commercial classes and the extent of evasion difficult to measure. Since the rates were raised in 1922, the country has been passing through a serious industrial depression and the yield of the tax has decreased from Rs. 18.23 crores in 1923-24 to Rs. 16.6 crores in 1929-30 (budget estimate).

SALT.

409. The salt tax was not introduced either by the Government of India or by the East India Company; it was one of the taxes transferred to the Company with the *Dewani* of Bengal in 1765. In the earlier years, it was administered as a revenue monopoly. Although the monopoly has since been abolished and a system of excise substituted, the Government continues to manufacture a large quantity of salt. It was estimated that, in 1925, 35 per cent. of India's needs was met by Government salt, and 30 per cent. by foreign salt, while 35 per cent. was manufactured by licensees, subject to payment of excise. The Report of the Indian Taxation Enquiry Committee, 1924-25, contains a full account of the history of the tax in paragraphs 164 to 180, together with a summary of the arguments which may be reasonably used for and against it. The rate of duty has varied from time to time: in 1888 it was Rs. 2.8 per maund (82 lbs.); this was reduced to Rs. 2 in 1903, and to Re. 1 in 1907. The rate was raised to Rs. 1.4 in 1916, and to Rs. 2.8 in 1923. It was reduced again to Rs. 1.4 in 1924, and remains at this figure. The revenue produced by the salt tax is, as we saw in paragraph 406, between 6 and 6½ crores of rupees, i.e., about 3½ annas (4d.) per head per annum.

OPIUM.

410. Opium is in India a monopoly of the Government, which controls production as well as distribution. Cultivation of the plant is prohibited except in licensed areas, and the licensee is required to sell the whole of his produce to the Government at a fixed price. The opium is made up in a Government factory under the control of the Central Government and is supplied at very nearly cost price to the provincial Governments, who sell it to consumers through licensed vendors. The bulk of the central revenue is derived from exports to other countries, but this part of the revenue will soon be extinguished

owing to international obligations undertaken by India. Export of opium is now permitted only on the production of a certificate from the Government of the importing country, and the Government of India has agreed to stop all exports before the end of 1935.

RAILWAYS AND POSTS AND TELEGRAPHS.

411. Of the two commercial undertakings of the Central Government, the Posts and Telegraphs Department is not important from the revenue aspect. In fact, in the last three years, the accounts of this Department have disclosed a slight loss.

The first railway lines in India were sanctioned in 1845, but it was not until after the Mutiny that construction on a large scale was undertaken. There was at that time no private capital in India for railway development, and construction had to be carried out through the agency of English joint stock companies under contract with the State. The Secretary of State guaranteed a return of five per cent. on the capital outlay, but the surplus profits were shared with the State, which exercised a strict control over the expenditure and management of the railways. For many years, however, the railways were not remunerative, and imposed a considerable burden on Indian revenues. All the old "guaranteed" companies have since been purchased by the State, and the railway system of India is now almost entirely owned by the State, though the management in some cases continues to be through companies under a definite contract.

The State railway system of India consists of over 40,000 miles of railway, and the total capital outlay is more than £600 millions. The administrative control of this huge organisation, one of the biggest in the world, is centralised under a Board, consisting of four members appointed by the Government. Under an arrangement sanctioned in 1924, railway finances were first separated from general finances. There is a definite annual contribution from the railways to the general revenues of the country of one per cent. of the capital outlay, and this is a first charge on the net receipts of the railways. In addition to this, a proportion, generally one-fifth, of the net surplus profits is credited to general revenues, and the remainder transferred to a railway reserve fund.

OTHER SOURCES OF CENTRAL REVENUE.

412. Of the other sources of revenue, only two need to be mentioned here, viz., the currency profits and tribute from certain Indian States. The former consist mainly of the profits on the issue of currency notes, of which the Government has a

monopoly. We have already described how the latter arises.* The total sum received by the Crown under this last head amounts to about Rs. 84 lakhs, or £630,000.

CENTRAL EXPENDITURE.

ARMY.

413. The most striking feature on the expenditure side of the central budget is the very high proportion of the expenditure on defence, which, under a scheme introduced in 1928-29, has been stabilised for a period of 4 years at Rs. 55 crores per year. This figure is over 60 per cent. of the total central revenues, and nearly a third of the total net central and provincial revenues of the country taken together. We do not propose to comment further here on the scale of military expenditure, for it will be necessary for us to discuss this, along with other aspects of defence, in connection with our treatment of the problem of the Army in our second volume.

DEBT CHARGES.

414. The next important item of expenditure is the interest on the funded and unfunded debt of India, which amounted at the end of 1928-29 to Rs. 1074 crores (£805 millions). Of this, Rs. 470 crores or £352 millions was contracted in England. The greater portion of this amount has been utilised for financing the construction and acquisition of railways and the carrying out of irrigation works, and the value of the productive assets held against these obligations has been estimated at Rs. 873 crores (£655 millions). The unproductive debt, consisting principally of India's contributions towards the expenditure on the Great War and the deficits in the post-war budgets of the Central Government, now amounts to only Rs. 171 crores, i.e., £128 millions. India owes this fortunate position to the adequate provision which its Finance Members have usually made for the reduction of debt.

CIVIL ADMINISTRATION.

415. The annual amount spent by the Central Government on Civil Administration is over 12½ crores, or £9½ millions sterling. This expenditure arises mainly in connection with the Government of India's direct administration of five out of the six minor provinces—viz., the North-West Frontier Province, British Baluchistan, Delhi, Ajmer Merwara, and the Andamans. (The sixth, Coorg, as we have explained elsewhere, is in a different position.) The expenses of the Foreign and Political Department also fall under this head. To these main branches of expenditure must be added research, civil aviation, meteorology, and other services included in the list of central subjects.

* Para. 105 above.

(b) In the Provinces.

PROVINCIAL REVENUE AND EXPENDITURE.

416. The following statement gives the estimated income and expenditure for 1929-30 under the principal provincial heads :—

PROVINCIAL REVENUE AND EXPENDITURE IN 1929-30 (BUDGET ESTIMATE).
(In crores of rupees. One crore = £750,000).

	Madras.	Bombay.	Bengal.	United Provinces.	Punjab.	Burma.	Bihar and Orissa.	Central Provinces.	Assam.	Total.
POPULATION AND AREA :—										
Population in millions	42·3	19·3	46·7	45·4	20·7	13·2	34·0	13·9	7·6	243·1
Area in thousands of sq. miles.	142·3	123·6	76·8	106·3	99·8	233·7	83·1	99·9	53·0	1018·5
REVENUE :—										
Land Revenue ...	6·21	5·12	3·24	7·10	2·82	5·54	1·76	2·45	1·24	35·48
Excise	5·54	3·89	2·25	1·37	1·30	1·31	1·01	1·28	·59	19·44
Stamps	2·56	1·77	4·22	1·79	1·21	·71	1·12	·75	·22	14·35
Irrigation (net)* ...	·89	·70	·15	1·09	4·50	·22	·18	–·02	—	7·71
Forests (gross) ...	·59	·73	·33	·59	·35	1·76	·11	·58	·40	5·44
Other Sources ...	1·77	3·51	1·66	1·15	2·36	2·01	·77	·52	·39	14·14
Total Revenue ...	17·56	15·72	11·85	13·09	12·54	11·55	5·85	5·56	2·84	96·56
EXPENDITURE :— *Reserved.*										
Land Revenue and General Administration.	2·78	2·95	1·86	2·37	1·57	1·68	1·02	1·03	·50	15·76
Police	2·01	1·79	2·17	1·71	1·22	1·61	·85	·62	·30	12·28
Jails and Justice ...	1·33	1·00	1·49	1·14	1·07	1·05	·62	·44	·17	8·31
Other reserved expenditure (including debt charges, pensions, etc.).	3·95	4·58	2·37	3·29	2·20	1·83	1·15	1·06	1·18	21·61
Total ...	10·07	10·32	7·89	8·51	6·06	6·17	3·64	3·15	2·15	57·96
Transferred.										
Education	2·57	2·04	1·33	1·91	1·67	1·27	·89	·57	·32	12·57
Medical relief and public health.	1·41	·91	·98	·66	·81	·65	·52	·22	·22	6·38
Civil works... ...	2·13	1·30	·84	·49	1·66	1·90	·53	·87	·07†	9·79
Other transferred expenditure.	1·53	1·43	·89	·82	1·29	1·39	·54	·46	·22	8·57
Total	7·64	5·68	4·04	3·88	5·43	5·21	2·48	2·12	·83	37·31
Total expenditure	17·71	16·00	11·93	12·39	11·49	11·38	6·12	5·27	2·98	95·27

* Interest on capital outlay has not been deducted.
† "Public Works" is a reserved subject in Assam.

LAND REVENUE.

417. The land revenue system has already been described in some detail in Chapter 2 above,* and we shall confine our remarks here to the main tendencies in the development of this important source of revenue since the Reforms. With the considerable widening of the franchise, agricultural interests have dominated the provincial legislatures, and land revenue has excited more interest and criticism than almost any other sphere of administration. Nor has the controversy been confined to the arena of the legislative councils. In at least two cases (the agrarian disturbances in the United Provinces in 1921 and

* Paras. 378–385.

the Bardoli campaign in Bombay in 1928), opposition to land revenue policy has expressed itself in a form that threatened a complete breakdown of authority.

Land revenue is in many provinces levied by executive action, without any statutory limitation of the rates or any statutory regulations regarding methods of assessment. There are obvious objections to this form of taxation, and the Joint Select Committee in 1919 expressed the opinion that " the imposition of new burdens should be gradually brought more within the purview of the Legislature," and advised a closer regulation by statute of the process of revising the land revenue assessments. This advice is easier to give than to follow. The practical difficulties of giving effect to this recommendation have been overcome in only two provinces (the United Provinces and the Punjab) : in the other provinces where land settlement is not " permanent," the process of resettlement is still controlled by executive action.

Under steady pressure of elected representatives of the legislative councils, and of such public opinion as exists outside, the land revenue is rapidly ceasing to be an elastic source of revenue. Increases at resettlements have been limited in Madras to 18¾ per cent., and the percentage of the net assets taken in the shape of land revenue has been reduced in the United Provinces from one-half to a maximum of 40 per cent., while the period between resettlements has been lengthened in more than one province. Although prices and land values have risen enormously since the beginning of the War, the total land revenue of India has risen by less than 9 per cent. since 1913-14, and a portion of even this rise is attributable to the extension of cultivation rather than to revisions of assessment.

Excise.

418. An excise duty is levied in India upon a number of intoxicants and narcotics, but mainly owing to administrative difficulties, it has not yet been possible to impose a duty on home-grown tobacco. The systems of excise tend towards a State monopoly and have certain features which are not found in most Western countries. The duty varies from place to place, and is normally fixed by the Executive and not by the legislature. There is a complete separation of the privileges of manufacture and sale, and of licences for the sale of one intoxicant from those for the sale of another. In many provinces the licences for retail sale are generally disposed of by public auction, and the licensee has the monopoly of sale over a defined area. Except in the case of imported liquor, there is also a strict limitation of the quantity which an individual may possess : the object of this is strictly to limit consumption off licensed premises. The ordinary spirit consumed in the country, which contributes the bulk of the excise revenue, is plain spirit distilled from sugar or some other base, and under the excise regulations it is required

to be sold at the strength at which it is issued from the distillery. The duty is collected at distilleries situated at suitable centres, or at wholesale warehouses, at rates which may vary according to the circumstances of the locality in which it is consumed. The distiller is usually given a monopoly for a term of years for the supply of shops in fixed areas at rates determined by competition.

The temperance movement has always been strong in India, for Muhammadans, and most of the Hindu communities, are prohibited by religion or by social usage from drinking alcoholic liquors. In the last year before the introduction of the Reforms, there were only 48,388 liquor shops in the whole of British India, i.e., an average of one shop for every 22 square miles.

Beginning with the non-cooperation campaign of 1921-22, the temperance movement has developed into a definite demand for prohibition which has become an important political issue. There would be special administrative difficulties in enforcing prohibition in the peculiar circumstances of India, because of the ease with which liquor can be produced from palm-trees. There has been on the part of Ministers a growing realisation of this fact in recent years. The revenue from excise has been stationary or actually diminishing, and most provincial Governments are anticipating a fall in the next decade.

Other Sources of Provincial Revenue.

419. The principal feature of the revenue from stamp duties is the large proportion derived from judicial stamps. In Bengal, of the yield under the head of Stamps in 1928-29 (which was more than the revenue from any other single source in that year), nearly two-thirds was from litigation.

Some of the irrigation systems of India owed their first beginnings to pre-British rule, but it is under British initiative that the biggest developments have taken place. The total area artificially irrigated in 1926-27 was nearly 48 million acres, of which over 21 millions was from government works, and the total capital outlay on these works at the end of 1927-28 was over Rs.111 crores (£83¼ millions). Many of the irrigation works in India were constructed as a protection against famine. These "protective" works are maintained at a loss, but they are indirectly beneficial, since they avoid expenditure of a more wasteful kind on measures of famine relief. The practice in respect of charges for irrigation varies from province to province. In Burma, Sind and the greater portion of Madras, land revenue includes the charge for irrigation. In the other provinces, a separate charge is made for the supply of water from Government irrigation works, and the rate varies generally with the nature of the irrigation work and of the crop grown.

The revenue from forests is the most important of the remaining sources of provincial income. It is mainly derived from

the sale of timber and other produce of Government forests. In Burma, however, "royalties" on rubber, lac and other forest produce are levied in a form which renders them indistinguishable from export duties. The "forest royalties" are levied only on forest produce exported from the province and are collected by the central customs officers at the ports. The justification for this peculiar arrangement lies in the fact that practically the whole of the produce is exported, and the geographical features of the country make it very difficult to collect the royalties in any other shape.

In certain provinces there are taxes on amusements such as cinemas and race-courses. Registration fees are another head of provincial revenue. But these subordinate sources are not of sufficient importance to require special description.

Provincial Expenditure.

420. On the expenditure side the principal feature that attracts attention is the very small expenditure, considering the ground to be covered, on education and the medical services. The subject of education we have reserved for separate treatment.* Medical relief and sanitation have attracted considerable attention since the Reforms, and the expenditure on these services has risen from Rs. 383 lakhs in 1921-22 to Rs. 573 lakhs in 1929-30. The facilities for medical relief are still, however, deplorably inadequate. The total number of hospitals and dispensaries, public and private, in 1926-27 (the latest year for which we have accurate figures) for the whole of British India, was only 4,205 for a population of 247 millions.

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* Part VI below.

CHAPTER 6.—THE SYSTEM OF FINANCIAL CONTROL.

Parliamentary Intervention in Indian Affairs.

421. The circumstances which resulted in direct Parliamentary intervention in Indian affairs in the latter half of the eighteenth century are well known. Parliament had, indeed, as early as 1698, imposed statutory restrictions on the Company's borrowings in England, but it would seem that its object was to protect the privileges of the Bank of England rather than the revenues of India. It was not until seventy years later, when its attention was attracted to Indian affairs by the growing financial embarrassments of the Company, that Parliament decided to take a more direct measure of control over the Company's affairs. When it sanctioned a loan in 1773, it imposed a limit on the Company's dividends and compelled it to submit its accounts to the Treasury. In 1784 a Board of Control was established, consisting of the Chancellor of the Exchequer, a Secretary of State and four other Privy Councillors. The President of the Board of Control soon came, in practice, to exercise all its powers: he was the forerunner of the Secretary of State for India, and his office was a Cabinet post, the holder of which changed with the Government. The curious system of dual control which resulted need not be described here.* It is enough to say that Parliament was thus provided with a machinery for continuous supervision over Indian affairs; and the subsequent renewals of the Charters in 1793, 1813, 1833 and 1853 were preceded by most exhaustive enquiries into the financial administration of the territories entrusted to the Company.

The Act of 1858.

422. With the assumption by Parliament, after the Mutiny, of direct responsibility for the administration of India, the Secretary of State for India replaced the President of the Board of Control, and with him was associated a Council, the constitution, functions and powers of which we have described elsewhere.† The Secretary of State was given statutory authority to "superintend, direct and control" all acts relating to the revenues of India. These revenues were formally vested in the Crown, and the entire responsibility for the control of expenditure was placed by statute on the Secretary of State in Council. Indeed, so complete was, and is, the transfer of authority to the Council that even Parliament could not, without first amending the Act, direct any expenditure to be incurred from Indian revenues, which a majority of the Council declined to sanction. Without prejudice to this requirement, it is further provided that expenditure from Indian revenues on military operations beyond the external frontiers of India cannot be incurred without the consent of both Houses of Parliament. Moreover, all sterling loans

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* See "The India Office," by Sir Malcolm Seton, pp. 13 *et seq.*

† Part II, Ch. 11.

raised by the Secretary of State are regarded as requiring the authority of an Imperial statute. The former limitation owes its origin to an amendment to the Government of India Bill of 1858, moved by Mr. Gladstone, while the latter is based on the view that the ancient restriction imposed on the Company in 1698 survives to limit the powers of the Secretary of State. The Government of India Act itself contains no specific provision requiring Parliamentary sanction, in the form of legislation, for Indian loans raised in this country, nor is any such procedure observed in the case of loans raised by other Governments within the Empire, e.g., by the Crown Colonies whose loan operations are conducted through the Crown Agents in London. The practice in the case of Indian stocks may have enabled India to obtain money on cheaper terms. The Trustee Acts authorise the investment of trust funds in any stock issued by the Secretary of State for India and charged on Indian revenues, or in any securities on which the interest in sterling is payable out of, and charged on, the revenues of India, just as trustees are permitted to invest in stocks authorised under the Colonial Stock Act, i.e., stocks in respect of which the strict conditions prescribed by the British Treasury have been observed. But in neither case is there any Parliamentary guarantee, and it is obvious from the reactions of prices of Indian stocks to changing political conditions in India that the British investor values them in the light of India's credit.

Qualifications to control of Secretary of State in Council.

423. The control of the Secretary of State in Council over Indian finances remained absolute until the introduction of the Reforms, though considerations of administrative convenience and requirements of promptitude in the transaction of public business had necessitated, almost from the very beginning, a very wide delegation to the authorities in India. In practice, he issued a "resolution," amended from time to time, indicating precisely the limits of expenditure which the Governor-General in Council could incur without previous reference to him, while the Government of India in its turn by means of elaborate codes and regulations maintained a rigid control over provincial expenditure. All proposals for provincial or central taxation required his previous sanction, and no loan could be raised in India by the Government without his consent. The central budget, which down to 1920 included not only the direct transactions of the Government of India, but also those of the provinces, received his approval before it was presented to the Legislature.

The establishment of a measure of responsibility in the provinces under the Reforms involved a partial control of the Executive by the provincial legislatures, and this control largely manifests itself in connection with finance. The greater opportunities

of influencing the Executive, with which the provincial and central legislatures were provided, have rendered inevitable a considerable abatement of the control hitherto exercised by Parliament and the Secretary of State. We shall in the following paragraphs first explain the process by which the central and provincial legislatures exercise their influence over finance, and then describe the nature of the powers which the Secretary of State still retains, and the machinery through which he makes his control over Indian financial administration effective and discharges his statutory responsibilities.

(a) Control of Indian Finance by the Legislatures of India.

424. The system of control by Indian legislatures over finance, established by the Government of India Act, 1919, is, in its essential features, very similar to that of the British system on which it is so largely modelled. Indeed, there has even been a tendency to copy features which are not necessarily of general application but have their origin in some incident in British parliamentary history. Corresponding to our Estimates Committee, there are, attached to the central and provincial legislatures, Standing Finance Committees, whose principal function is to scrutinise proposals for fresh expenditure and suggest economies. The Finance Member, like the British Chancellor of the Exchequer, opens his budget with a detailed survey of the financial position, and in the Central Legislature (though not in the provinces) it is the practice to vote certain taxes annually. The demands of the Government for supply in respect of certain services are presented to the legislatures annually in the form of motions to be voted upon, though other items of expenditure, such as debt charges, army expenditure, salaries of certain high officials and services, are not subject to vote.* Finally, there is an elected Committee on Public Accounts, which considers the report of the Auditor-General and through which the legislatures satisfy themselves that the money voted by them has been satisfactorily spent.

Standing Finance Committees.

425. The institution of standing committees of the legislature, attached to the various departments of the central and provincial Governments, owes its origin to the recommendation contained in paragraphs 235 and 285 of the Montagu-Chelmsford Report. The authors of the Report clearly recognised the limitations under which such bodies could work and stated that their object was to familiarise elected members of the legislatures with the process of administration and to make the relations between the Executive and the legislature more intimate. The committees were, in their view, to be purely advisory and they

* See the statutory list set out above, p. 170 (Part II, chap. 8, para. 179).

were not to have any administrative control of departments. Fears were expressed at the time that, once these committees were instituted, it would be difficult to restrict them to purely advisory functions, and that, as had happened in other countries where the committee system flourished, the tendency for these bodies would be to grow into a rival executive. The proposal, however, received the support of the Government of India and most of the provincial Governments and was endorsed by the Joint Select Committee in the following terms :—

"The Committee think that it may often greatly assist the political education of India if standing committees of the legislative bodies are attached to certain departments of Government, but they only express this opinion on the understanding that the appointment of such committees, their composition and the regulations which govern their procedure, shall be matters wholly and exclusively within the discretion of the Governor-General or of the Governor as the case may be."

426. The standing committees for finance with which we are concerned here have probably exercised a greater influence over Government policy and administration than similar committees attached to other departments. Bengal and Bihar and Orissa have had no such committees for finance; while in Assam a committee has only recently been constituted, though an informal committee of the Legislative Council has every year advised the Government on new schemes of expenditure. In the other provinces these committees came into existence very early, but since their constitution and powers were left wholly to the discretion of the Governor, the nature of their work and the range of their influence over administration and policy have varied considerably in the different provinces. They have invariably been presided over by the Finance Member and have contained a majority of members elected by the legislative council. Their ordinary functions are generally to scrutinise proposals for new expenditure, to advise on supplementary estimates, and to consider and initiate proposals for retrenchment.

In practice, however, in all the provinces, except Bombay, the committee has exercised very much wider powers and has had considerable opportunities of influencing and controlling the administration. In at least three provinces, the committee has normally been consulted on proposals for the imposition of additional taxation. In the Central Provinces, it advises the Government on matters such as loans, while in Madras it has very largely determined the distribution of the surplus revenues between the transferred and reserved halves of the Government (a matter which, we may observe, is one for agreement between the two halves of the Government). In almost all, there has been a distinct tendency to encroach on the sphere of administrative policy, but the provincial Governments concerned, so far from being perturbed by this development, are satisfied that the committees have served a useful purpose and have proved to be very valuable institutions.

The Standing Finance Committee of the Legislative Assembly has always remained a purely advisory body and has confined its activities to an examination of new proposals for expenditure to be subsequently voted by the Assembly. The Executive, however, has rarely, if ever, ignored its advice, nor has the Assembly ever dissented from its views. The Committee, the Government of India considers, "has usually taken a reasonable and intelligent view of its duties" and has helped to familiarise the elected members and the public with the details of financial administration.

Estimates and Supply.

427. After the estimates of revenue and expenditure of the Central Government have been finally approved by the Governor-General in Council, they are laid before the Assembly on the occasion when the Finance Member makes his Budget speech, which may or may not include proposals for new taxation. This procedure, it will be observed, differs somewhat from the order of events followed in the British Parliament, where not only the presentation but the voting of part of the estimates is preliminary to the opening of the Budget. Indeed the word "budget" is often used in the political phraseology of India to refer to proposals for spending rather than to proposals for raising money. The Finance Member's statement is followed by a general discussion covering the whole field of administration, but no motion is moved at this stage, nor does the discussion go into many details. The debate is, however, important, for it furnishes the Legislature with its only opportunity of criticising the revenue estimates and the loan policy of the Government of India.

At the next stage, the demands of the Government for supply are presented to the Assembly in the form of a series of motions. The number of days allotted to discussion is limited, and the items selected for debate are chosen by arrangement with the opposition leaders, the rest of the votes being put without debate. As we have already observed, an important feature of the Indian system is the division of expenditure into "voted" and "non-voted" items. The Governor-General is given discretion under the Act to throw open non-votable heads of expenditure to discussion by either Chamber, and in practice he has invariably allowed the Assembly to discuss them. Moreover a practice has grown up by which it is possible to attack non-votable expenditure by moving a "cut" in the voted expenditure ancillary to it. For instance, expenditure on defence is classified as non-votable, but, in practice, Army policy and expenditure may be criticised by moving a reduction in the expenditure proposed to be voted for the secretarial establishment of the Army Department.

We have explained elsewhere that the refusal of the Assembly to vote a demand put before it is not necessarily effective, as the Governor-General in Council has the right, which

has been exercised on many occasions, of restoring a "cut" made by the Assembly, if he is satisfied that such a course is essential to the discharge of his responsibilities. Lying at the back of these elaborate provisions is a reserve power which can only be used in cases of emergency. In such cases, the Governor-General, without reference to any other body, has power to authorise such expenditure as may, in his opinion, be necessary for the safety or tranquillity of British India.

Provincial procedure as regards estimates and supply follows the same lines. Here again, the Government's proposals for expenditure under various heads are laid before the Legislative Council at the time when the Finance Member presents his Budget. After the budget statement there is first a general discussion, and then demands for supply are taken up and dealt with. The proportion of "voted" to "non-voted" expenditure is considerably larger than at the Centre. We have described elsewhere* the Governor's powers of restoration, which differ according as the rejected demand relates to a reserved or a transferred subject.

The Finance Bill.

428. At Delhi, there is an annual Finance Bill. It is formally introduced at the time of the Finance Member's budget speech, though it is not discussed or voted upon until after the estimates have been passed or certified. It is a remarkable circumstance that all the central taxes of India, except the tariff, are voted annually—even postal rates. In the provinces, on the other hand, there is no annual Finance Bill. The pitch of land assessment remains constant for a long period of years and, in any case, is not fixed by legislative vote; other taxation depends upon permanent statutes.

It is a little difficult to understand why there should be an annual Finance Bill requiring to be passed by the Central Legislature. Neither the Government of India Act, nor the Rules framed under it, make such an annual Act constitutionally necessary. It owes its origin to an amendment to the Taxation Bill of 1921, which sought to limit the operation of the Bill to one year. The non-official member who moved this amendment explained that his object was to establish a convention similar to that in force in the House of Commons. The Government accepted the amendment, except in respect of the customs tariff.

The Indian practice was thus avowed to be an attempt to follow the British model, but the copy goes much further than the original, and the special reasons for adopting this course in Britain do not necessarily exist elsewhere. In England, it became customary to move the levying of one direct tax (income tax) and one indirect tax (tea) annually, partly as emphasising the constitutional need for the annual meeting of Parliament,

* Part II, Chap. 4, para. 155.

and partly in order to have two sources of revenue readily available for annual adjustment. Now that there is no tax on tea, income tax is the only tax which requires annual renewal. Indeed, a single Finance Bill containing all the financial enactments of the year is quite modern. It was the plan adopted by Mr. Gladstone in 1861, when the House of Lords rejected the Bill abolishing the paper duties. Annual taxes are not needed in India either to establish the rights of the Legislative Assembly against the Council of State, or to secure the annual meeting of the Legislature. It is quite usual in the written constitutions of overseas legislatures to provide for this expressly, and already section 67A of the Government of India Act appears to make an annual meeting of the Indian Legislature obligatory.

Public Accounts Committees.

429. On the activities of the Public Accounts Committee of the Legislative Assembly and the provincial councils it is not necessary for us to say much, for its functions and powers are very similar to those of the corresponding Committee of the House of Commons, and it works on precisely the same lines as our Committee does here. For the Central Committee eight members are elected on the principle of proportional representation, while three are nominated by the Government. The Chairman is the Finance Member, and not, as is customary at Westminster, a member of the Opposition. This feature of its constitution may sometimes have embarrassing results, for the Committee has to deal with financial irregularities in all the departments of the government, including those for which the Finance Member is directly responsible.

The primary functions of the Committee, like those of our Committee here, are to scrutinise the annual report of the Auditor-General on audit and appropriation, and to satisfy itself that the money voted by the legislature has been spent within the scope of the demand. In practice, however, the Committee has exercised its powers in respect of non-voted as well as voted expenditure. Thus the Committee deals with the Auditor-General's report as to any irregularities or extravagance in military expenditure, but in this case the report is examined in the first instance by a small *ad hoc* committee consisting solely of officials. The Public Accounts Committee has, however, no executive powers. It can point out irregularities or improprieties, and record its findings and recommendations, but it cannot issue any orders or disallow any items of expenditure.

The report of the Committee is presented to the Assembly, but there has been no general desire to discuss it. The report is too technical to be of interest to the majority of the members of the Assembly, and in practice any action taken on the report is on the initiative of the Government. The actual deliberations of the Committee, however, receive a great deal of publicity, and its scrutiny of expenditure, according to the Government of India, " is jealous, detailed, and enthusiastic."

It is generally recognised that the Committee has proved itself both "industrious and efficient", and it has notably enlarged the authority of the Assembly.

The constitution, functions, and powers of the provincial Public Accounts Committees are very similar to those of the Central Committee. Their working has not attracted as much attention as that of the Central Committee, owing to the fact that they were slower to realise their duties and responsibilities. Some of them have already done very valuable work, and with the growing recognition of the importance of the functions assigned to them, they are developing into efficient and useful institutions.

(b) Control of Indian Finance by the Secretary of State in Council.

(i) In the Provinces.

430. With the establishment of responsible government in certain spheres of provincial administration, control over expenditure on the transferred services has definitely passed to the provincial legislatures. The Secretary of State has not, however, completely divested himself of the responsibility for expenditure, even on transferred departments. For no proposal for the appropriation of funds in a province may, under the Government of India Act, be made except on the recommendation of the Governor. The Devolution Rules require the previous sanction of the Secretary of State in Council to certain proposals for expenditure in respect of transferred subjects before they are included in a grant, as, for instance, for the creation of permanent appointments normally held by members of All-India services.

As regards provincial reserved subjects, there has been a considerable relaxation of control by the Secretary of State in Council, but the delegation of powers continues to be by means of executive orders, embodied in what is commonly known as the Provincial Audit Resolution, issued by him in virtue of the powers conferred on him by the Act. The principal items of reserved expenditure which require his sanction are the pay and allowances of All-India services, the expenditure of Governors, the revision of establishments involving an annual expenditure exceeding a certain limit and capital expenditure on irrigation and other public works estimated to cost more than Rs. 50 lakhs. In practice, the control is exercised through the Government of India which, in forwarding the proposals to the Secretary of State, offers its criticisms and suggestions.

In a previous chapter we referred to the importance which the Montagu-Chelmsford Report attached to the financial autonomy of the provinces, and described the nature of the control, strictly regulated by statute, exercised by the Central Government over

provincial taxation. The budgets of provincial Governments are not now submitted either to the Government of India or to the Secretary of State for approval before they are presented to the provincial legislatures, but provincial solvency is ensured by the indirect method of control over provincial borrowings. Before 1920, the provinces were never accorded the privilege of raising loans in the open market, and they invariably borrowed the money they required from or through the Central Government. With the introduction of the Reforms, they have acquired considerable freedom, but their borrowings are regulated by statutory rules. No loan may be raised by a provincial Government outside India without the sanction of the Secretary of State, or within India without the approval of the Central Government, and provincial borrowing is restricted to certain purposes specified in the rules, viz., capital expenditure on projects of lasting public utility, famine relief and repayment of previous loans or advances. Some provinces have resorted to borrowing in the open market, but the bulk of provincial borrowings has been from the Central Government which, through the medium of the Provincial Loans Fund established in 1925, regulates the terms and conditions, the rate of interest and the period of amortisation of all advances to the provinces. Whatever be the machinery adopted, the necessity for some co-ordinating agency in a country with a limited market for borrowing, such as India, is generally recognised.

Regulation of provincial borrowings thus provides the Secretary of State and the Central Government with an effective instrument of control, by which the financial stability of the provinces is secured. As statutory custodian of the balances of provincial Governments, the Central Government is armed with additional powers, by the exercise of which provincial over-drawing can be prevented. The Central Government may, with the previous sanction of the Secretary of State in Council, prescribe the procedure to be followed in the payment of money into and the withdrawal, transfer, and disbursement of money from the public account. It has further the power to require provincial Governments so to regulate their programmes of expenditure as not to reduce the balance at their credit below a stated figure, and to make their orders effective by the restriction of issues. Interest charges have also priority over all other charges on provincial revenues, save only the statutory contributions to the Central Government.

(ii) At the Centre.

431. Over the financial administration of the Central Government the Secretary of State still maintains a control more rigid than over any other sphere of administration, except perhaps defence and foreign relations. Indeed, although there has been a general tendency for his control to be relaxed, the Government of India would, we think, contend that on some occasions in the

past the directions of the Secretary of State on some financial questions have reduced the Government of India to the position of a subordinate agency. Large powers of expenditure have been delegated to the Government of India, but as in the case of provincial reserved subjects, the previous sanction of the Secretary of State in Council is required in a limited number of cases specified in the Central Audit Resolution. The budget proposals, particularly those affecting taxation, are invariably submitted to him and his orders obtained before the Budget is presented to the Central Legislature. In the case of taxes which fall within the scope of the fiscal convention, however, he merely offers his observations, but does not interfere when the Government of India and the Legislature are in agreement. The Secretary of State also controls the management of the Gold Standard and the paper currency reserves, the policy with regard to exchange and currency, and all borrowings in England and in India.

The Auditor-General.

432. We have described the nature of the control exercised by the Secretary of State and his Council over the financial administration of India and have referred to the numerous devolutions of power by means of statutory rules and executive orders to authorities in India. It is clear that if the control is to be effective, there must be an agency in India independent of the Executive and responsible to the Secretary of State for seeing that the Governments do not act in excess of the powers conferred on them by the Statute or the executive orders of the Secretary of State. The officers on whom this responsibility rests are the Auditor-General and his staff, one of whose principal functions is to see that the line of demarcation between the powers of the Secretary of State and the authorities in India is maintained. He is an officer appointed directly by the Secretary of State in Council and holds office during His Majesty's pleasure. He is the final audit authority in India, and though not in any sense a servant of the legislatures, he is an important part of the machinery through which the legislatures enforce regularity and economy in the administration of public finance. It is his reports on the appropriation accounts that the Public Accounts Committees consider, and he or his representative attends all meetings of the Committees and guides their deliberations.

The accounts of the expenditure from Indian revenues in England are not, however, audited by the Auditor-General in India, but by an auditor in this country appointed by His Majesty by warrant under His Sign Manual, countersigned by the Chancellor of the Exchequer. His reports are laid before both Houses of Parliament, but are not submitted to the Indian legislatures, although a portion of the expenditure incurred in England is voted by them.

The Auditor-General has thus a dual responsibility to the Secretary of State on the one hand and to the Indian legislatures on the

other. A peculiar feature of the Indian financial system imposes on him a third function. The compilation of accounts and their audit are, except in provinces in which the Secretary of State in Council has declared otherwise, entrusted to the same agency, the Indian Audit Department. The Auditor-General is, therefore, responsible not only for audit, but also for the preparation of the accounts he audits. He is, in fact, the officer who is statutorily responsible for the compilation of the accounts which the Secretary of State is required to lay before both Houses of Parliament every year. The explanation of this anomalous combination of duties (a relic of the highly centralised system of administration which obtained in India before 1920) lies in the transitional nature of India's constitutional and administrative arrangements. Audit and accounts have already been separated in several departments of the Government of India and in the United Provinces, and the extension of this financial reform to other provinces, which was strongly recommended by the Muddiman Committee of 1924, has been hindered only by consideration of the cost involved.

PART VI.—THE GROWTH OF EDUCATION.

Appointment of Auxiliary Committee.

433. We have been specially charged by our terms of reference to report on the growth of education. To survey the whole field of education throughout British India in all its branches and aspects would require many volumes, but we interpret our duty in this respect as limited by the general scope and purpose of our main enquiry. We have regarded ourselves, therefore, as primarily concerned with education and its organisation in relation to political and constitutional conditions and potentialities of progress.

Under the authority conferred on us by our Warrant of Appointment, we delegated the work of conducting a special enquiry on this subject to an Auxiliary Committee, presided over by Sir Philip Hartog, which included other prominent educationists, British and Indian.* The results of the Committee's investigations (which, despite embarrassing limitations imposed by considerations of time, covered a wide range of subjects) are embodied in a Review† which has already been published. We desire to express our deep obligations to all the members of the Committee for their valuable survey. The Committee's Review has been of the greatest assistance to us in dealing with the subject. On this Review, of which we have discussed the substance with its authors, together with a Supplementary Note by Sir Amherst Selby-Bigge (which was subsequently issued to the Government of India, the provincial Governments and the provincial Committees co-operating with the Commission), aided by our own observations and enquiries, we have founded our conclusions.

Scope of Commission's Educational Enquiry.

434. Broadly, we have two questions to answer. To what extent has education fostered, or is it tending to foster, in the peoples of British India a capacity for understanding and forming intelligent opinions on civic and political issues? And to what extent has it provided, or is it tending to provide, a directing class capable of sane and inspiring leadership in the political field, and of initiative and efficiency in the administrative? In other words, we have primarily to estimate the effect both in respect of performance and promise, firstly, of mass education, and secondly, of higher education, on the life, capacity and character

* The Committee consisted of Sir Philip Hartog, Sir Amherst Selby-Bigge, Sir Saiyid Sultan Ahmed, Sir George Anderson, Raja Narendra Nath, M.L.C., and Mrs. Muthulakshmi Reddi, M.L.C. Its Review is referred to in the notes below as "Ed. Report."

† Published in October, 1929, with an Interim Report of the Commission, Cmd. 3407.

of the peoples of British India, in relation to political progress. And, as growth of education is the topic, we have to do our best to describe and measure the advance that has been made.

It is not our business to propound a scheme of educational reform either in respect of the provision and co-ordination of educational facilities or the internal organisation of educational institutions or the methods and content of instruction. In this strictly educational field, we can only take note of our Auxiliary Committee's observations as to the causes of weakness or ineffectiveness, and the remedies which the Committee indicates. Its suggestions should prove of great value and help to those responsible for the conduct of Indian education. Nor is it our function to enter into the details of educational administration or to suggest the steps which are necessary or desirable for the improvement of administrative machinery.

On the other hand, it is our duty to examine the indications contained in the Committee's Report of the manner in which Ministers have exercised their responsibility for administration, as well as for large questions of policy; in this connection, the facts and tendencies disclosed have a special relevance to the subject of our enquiry.

British Influence on Indian Education.

435. The British connection with India has throughout been marked by progressive efforts to plan and apply an educational policy, and the survey of the last hundred years in this respect is one of which no Englishman who appreciates the immense difficulties to be surmounted need feel ashamed. Notwithstanding the traditions and achievements of ancient learning, education in India at the beginning of the 19th century was at a very low ebb. There were hardly any printed books either in the classical languages or the vernaculars, and Western education had not been introduced. Indigenous village schools, antiquated but self-supporting, whether conducted by Brahmin or Muhammadan teachers, could not cope with more than a fraction of the vast child population. Education for girls was almost non-existent. The new impulse, it is instructive to observe, had its centre at the British capital of Calcutta. Warren Hastings had purchased a site for a Muhammadan college in 1781 and assisted Sir William Jones, the first orientalist who directed European attention towards a knowledge of Eastern religions and languages, to found the Asiatic Society of Bengal. The British Resident at Benares established the Sanskrit college there in 1792. The influence of men like William Wilberforce induced Parliament to insert a clause in the East India Company's Act of 1813 to secure that the Governor-General in Council should set apart "a sum of not less than one lac of rupees in each year" for the encouragement of education in British India. The amount was little enough, but at that date no Government had as yet undertaken the promotion of education in England by grants from public funds.

There followed the famous controversy between the "Orientalists" and the "Anglicists" as to the direction in which the money available should be spent. Was the policy to be pursued the traditional policy of teaching through the medium of the classical languages of the East, or was Western culture to be made available through the teaching of English? It is commonly (but quite erroneously) supposed that Macaulay's Minute of 1835 was the sole cause of the decision to take the latter course. In fact forces were already at work represented by the Indian reformer Ram Mohun Roy, by David Hare, and by missionaries such as Alexander Duff, as the result of which the teaching of Western subjects through the medium of English (called in India "English Education") was adopted and encouraged by Government, with a view to its being developed alongside the vernacular schools. Higher education in India was definitely linked with the English language; indeed, it has been said that the main contribution of Britain to Indian education was the high school, in which English is taught. For good or evil, the course was set which has resulted in educated Indians having a means of communication all over the sub-continent, which no single vernacular tongue could supply. A recent commentary observes that "the national and public life in India began with the spread of English."* Sir Charles Wood's Education Despatch of 1854 opened a new chapter; it determined the whole subsequent course of Indian educational development by imposing upon the Government of India the duty of creating a properly articulated system of education from the primary school to the university, and the years following witnessed the establishment of Departments of Public Instruction in all the provinces, and the founding of the Universities of Calcutta, Madras and Bombay. Our Auxiliary Committee, in its Review, points out that all subsequent stages may be regarded as a development of the policy then laid down rather than as departures therefrom, and the principal milestones on the road so laboriously travelled since that date are described in the Committee's survey of Indian educational policy down to the Reforms.† No account of the development of Indian education could justly omit a reference to the work accomplished by the Indian Education Departments.

Transfer to Ministers.

436. In 1921 the responsibility for education in the Governors' provinces was transferred to Ministers; and we are mainly concerned to review the facts and tendencies of the subsequent period. There are defects and weaknesses in the present system of public education, and reforms are needed before the results which have been achieved, or are likely to be achieved, under it could be regarded as satisfactory. But criticism to be helpful must be constructive and sympathetic and we should be very

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* Sir Stanley Reed and P. R. Cadell. "India—the New Phase," p. 136.

† Ed. Report, Ch. 2, p. 9.

sorry if our observations were regarded as attributing reproach or blame either to Ministers or to their official predecessors. It is only fair to Ministers to say quite plainly that in our opinion the system which they inherited was far from satisfactory, and that no fair estimate of their achievement can be made unless large allowance is made for this initial handicap. On the other hand, it must not be supposed that the Government of India, the provincial Governments, and the devoted and experienced officers of the Indian Educational Service were not alive to faults in the system and had not before 1921 made efforts to correct them. If the War had not intervened and made it impossible to give effect to the Education Resolution of 1913, the position in 1921 would have been much more favourable to advance.

437. Whatever view may be taken of the merits or demerits of the past or present administration of Indian education, the hard fact remains that the inherent difficulties of the problems which Ministers have to face, and which their predecessors had to face, are immense. To spread education among the masses of India, to make it effective, to maintain a good standard, and to adjust it in its various grades to the needs of the people, is a very big task indeed. Even if the zealous educationist concentrates his efforts on the development of simple literacy, he encounters obstacles which he cannot quickly remove or evade. The Indian villager may be willing for his child to go to school for a year or two, but, as soon as the child can give help in the fields or the home, economic pressure and long tradition are strong inducements to take the child away, especially as the cultivator does not, as a rule, value education for its own sake. Nine-tenths of the Indian population—that is to say, about one-sixth of the human race—live in the villages of India, and most of these villages are so small and scattered that the provision of effective primary education is expensive and difficult to organise. There are formidable obstacles arising from caste and communal feeling. It is not too much to say that the establishment of a really satisfactory system of mass education in India, and the creation thereby of an educated peasantry, constitute one of the most tremendous problems which educationists have ever had to face. All well directed efforts in this direction call for sympathy and encouragement, and we pass to an estimate of the present position with these feelings uppermost in our minds.

Literacy among the People.

438. We realise that education is not an indispensable requisite for an intelligent exercise of the vote. We have had evidence, which we see no reason to doubt, of the shrewdness which so often resides in the illiterate peasantry of the rural areas. Many a ryot, unable to read or write, is capable of knowing clearly, within the narrow range of his experience, what he wants and of making as intelligent a selection of a representative as some of his literate fellow-villagers. But we need hardly labour to

establish the proposition that education does help in the formation of an electorate which will be potentially more capable of understanding issues submitted to its judgment and hence *primâ facie* better equipped to exercise political power. We are justified, therefore, in regarding the extent of popular education as a not untrustworthy general guide to a people's fitness for the exercise of political privileges, and the prevalence of literacy is the commonest and the most easily ascertainable index to the stage reached in mass education. True, literacy alone affords no guarantee of the attainment of real political capacity, but the ability to read at least increases the probability that statements and discussions of political issues and political programmes will reach the elector. It simplifies also the essential mechanics of the polling booth, for it means, or ought to mean, that the voter will be able to cast his vote in the proper ballot box without the aid of colour or symbol, or of some more questionable guidance.

Unfortunately, the available statistical information as to literacy is entirely out of date, and another two years must elapse before the census figures of 1921 can be authoritatively revised. The figures of 1921 afford somewhat dismal reading, and the depression is not relieved by a comparison with similar figures for some of the educationally more advanced Indian States, though, on the other hand, there are other Indian States quite at the bottom of the table. The percentages of male and female literates for three States, which have made the greatest educational progress, are compared in the following table with the average figures for British India and for all India including the States; while, for purposes of preserving a balanced view, some further figures drawn from other Indian States are added.

—		*Literates per 100 males of 5 and over.*	*Literates per 100 females of 5 and over.*
Travancore State	...	38.0	17.3
Cochin State ...	...	31.7	11.5
Baroda State ...	...	24.0	4.7
BRITISH INDIA	...	**14.4***	**2.0**
ALL INDIA ...	...	**13.9**	**2.1**
Mysore State ...	...	14.3	2.2
Hyderabad State	...	5.7	0.8
Rajputana Agency	...	6.8	0.5
Kashmir State	...	4.6	0.3

Excluding Burma, which in this, as in so much else, stands apart from other provinces of British India (male literates 51 per cent.; females 11.2 per cent.), Bengal has the highest

* In 1911 the figure for British India was 12%; and in 1881 8%. It has always to be remembered that these percentages are adversely affected by the existence of nearly 20,000,000 aboriginals and hill tribes, as well as by the educational backwardness of a far greater number of "untouchables."

percentage of male literates (18.1), while Bombay is at the top of the list in respect of women literates with 2.7 per cent.

These figures, it will be observed, are for literates of five years of age or over; it may be thought more material to consider the question of literacy among adults. We extract from the census of 1921 the following further information. Taking India as a whole, 17 out of every hundred men, and 2 out of every hundred women, who are twenty years of age and over, are entered as literate. In Bengal male literates within this range are 22.5 per cent.; in Madras 21.4; in Bombay 18.4; in the United Provinces 8.9; in the Punjab 9.7; in the Central Provinces 10.4; in Bihar and Orissa 12.6; in Assam 15; and in Burma 62.

Limits of Adult Education.

439. Apart altogether from the deductions drawn from them, the literacy figures themselves are probably far from accurate, though a great deal of trouble has been taken to make them as accurate as possible. The test of literacy for census purposes is satisfied if the individual is considered to be able to write a letter to a friend and read the answer to it. The distinction of being literate in an Indian village is in most cases sufficiently rare to be known to the village officer, and since the prescribed test manifestly could not be applied individually, in many cases the man's own assertion, or the knowledge of his neighbours as to his capacity, must have been used to assist the enumerator. The conclusion obviously is that illiteracy prevails among adults to a most unsatisfactory degree, and that, unless a child has learned to read and write in early years, it is unlikely that it will become literate later in life. Indeed, the movement for adult education in India (apart from university courses) has, with one striking and valuable exception, hardly begun. We refer to the work done by the Army for education in India. The Indian Army School of Education at Belgaum now turns out each year about 300 Indian officers, holding Viceroy's commissions, as well as a large number of non-commissioned officers—a total of about 2,500—each of whom has undergone a full year's training as an Education Instructor. By this means, educational courses are given to the whole personnel of the Indian Army, and many thousands of men return to village life literate and instructed on many matters, from map reading to the duties of citizenship. For example, the Army Manual on Hygiene makes the returning soldier a source of knowledge on this subject in many villages of the martial classes.

Quantitative Expansion since the Reforms.

440. So far as mere quantitative increase in the numbers under instruction is concerned, there has indeed been a phenomenal advance since the inception of the Reforms. In 1917 the total

school-going population of British India attending primary classes numbered 6,404,200. In 1922 it had risen to 6,897,147, and the latest figure available is 9,247,617 for the year 1927.

The figures of expenditure on primary education show an equally remarkable increase since the Reforms. They are given below for seven years, each marking the end of a quinquennium, commencing with 1897.*

Year	Crores of Rupees per annum.
1897	1.10
1902	1.18
1907	1.55
1912	2.07
1917	2.93
1922	5.09
1927	6.95

Were statistics of quantitative expansion a trustworthy indication of educational advance, these might be held to furnish striking evidence of post-Reforms development. But the closer scrutiny to which they have been subjected by our Auxiliary Committee reveals the danger of accepting figures of increasing school provision or enrolment or expenditure as conclusive evidence of a proportionate or indeed a substantial increase of literacy.

Wastage and Stagnation.

441. The two important factors vitiating the promise of these figures are what our Education Committee refers to as "stagnation" and "wastage". Children who do not for one reason or another advance from one class to a higher and consequently "stagnate", or who, after a year or two of instruction, forsake the school altogether for the traditional duty of Indian childhood, the tending of the family flocks and herds, are not likely to swell the ranks of the literates.

We are satisfied that our Auxiliary Committee is correct in its view that a sustained course of instruction for a minimum period of four years is essential to establish a literacy that lasts.† Consequently, the figures of attendance in primary classes in successive years, quoted in its Review, rule out any sanguine conclusions from the purely quantitative expansion which has undoubtedly followed the Reforms. These figures are so important that we reproduce them below.‡

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* Ed. Report, p. 43.
† Ed. Report, p. 45.
‡ Ed. Report, Table XXV, p. 46.

NUMBER OF PUPILS IN BOYS' SCHOOLS BY STAGES AND PROVINCES.

Province.	Class I. 1922-23.	Class II. 1923-24.	Class III. 1924-25.	Class IV. 1925-26.	Class V. 1926-27.
Madras	765,772	344,172	243,888	196,702	84,830
Bombay	252,274	134,513	121,607	102,506	90,638
Bengal	769,080	277,235	167,912	87,116	56,664
United Provinces ...	498,094	149,807	108,951	88,218	69,189
Punjab	277,120	98,194	78,517	67,968	49,416
Burma*	146,852	38,256	30,197	24,953	12,891
Bihar and Orissa ...	351,194	145,750	56,032	36,486	31,491
Central Provinces ...	102,852	57,458	48,593	46,700	15,854
Assam	119,078	29,862	27,538	19,874	7,644
British India ...	3,453,046	1,218,758	897,512	655,101	393,465

* The apparent discrepancy between the figures referring to Burma in the above table and the male literacy figure of 51 per cent. recorded in para. 438 above is to be explained by the further education which every young Buddhist in Burma obtains during the period which he spends in a monastery as a *pongyi* or priest.

Making every allowance for the situation created by the sudden large influx into the lowest classes of primary schools, which followed in the wake of the Reforms, the fact that, of the 3,453,046 boys who entered Class I in schools in British India in 1922-23, only 655,101 survived to reach Class IV in 1925-26, and that the rest had fallen out by the way or had vegetated in lower classes without any prospect of attaining even initial literacy, is lamentably significant. In the case of girls the corresponding figures, which are 533,878 in Class I and 55,794 in Class IV, show an even more conspicuous waste of money and effort. For British India as a whole, taking boys and girls together, out of every 100 pupils who were in Class I in 1922-23, only 19 were reading in Class IV in 1925-26. We are inevitably driven to the conclusion that the efforts of the past few years have resulted in much less real advance towards the attainment of the goal of a literate population in British India than the gross total of numbers under instruction might suggest, and that, if these efforts are continued on the same lines, they afford little promise for the future.

442. While the ignorance and indifference in matters of education which still, though to a diminishing degree, envelop the ordinary Indian household constitute the main obstacle to real progress, we cannot resist the conclusion that the failure, even in existing circumstances, to achieve more substantial results is due mainly to ineffective control, direction, and administration. Until these are improved, figures of quantitative expansion will be wholly illusory as an index of increasing literacy, and much of the present expenditure of money, enthusiasm and effort will be futile. We do not mean to suggest that stagnation and wastage or the subsequent relapse into illiteracy due to uncongenial or adverse environment are new phenomena, or that the one-teacher school and the inadequately qualified and underpaid primary

schoolmasters (factors which largely discount the value of the primary education imparted in many parts of India to-day), are novel features of the Reforms period. Far from it. It is, however, undoubtedly the fact that the operation of these causes of waste was unconsciously and unwittingly intensified by the very enthusiasm which has impelled Ministers to insufficiently considered advance on the old lines. Acting under the continued pressure of public opinion and assisted by legislatures which readily voted progressively increasing grants for education in their desire to remove the national reproach of illiteracy, they embarked almost everywhere on large schemes of quantitative expansion without securing to themselves any adequate power of control and direction. In some cases, indeed, they actually abandoned much of the power which they had inherited, holding apparently that some sort of school and some sort of instruction, however inefficient, were better than no school or instruction at all. Their own quite sincere and well-intentioned efforts have been crippled by radical defects of organisation—using that term in its widest sense—defects which have been progressively revealed by the increased strain put upon it.

In emphasizing these qualifications upon the real advance which has been made in mass education, we must not (as we have already said) be understood as laying the whole or even the larger measure of blame to the account of Ministers. They succeeded to a heritage by no means inspiring and, if in their almost feverish anxiety to improve it they have in many cases made impetuous advances which may have to be retraced, the generous spirit of their endeavours is by no means without significance for the prospect of future progress. Nor should we, in registering our conclusions which must inevitably be somewhat general in character, be regarded as failing in appreciation of the notable improvement that has attended the well-directed efforts of individual provinces like the Punjab.

Grounds for Encouragement.

443. These criticisms of the results achieved by the existing system of popular education and our view that its promise for the future depends on radical reforms, must not be taken as suggesting that we see no considerable ground for hope. The picture drawn by our Auxiliary Committee is gloomy in the foreground, but in the background there is light. The spirit of the people is the foundation of education, and if the people desire to be educated, or can be inspired with a desire to be educated, or even can be stirred into a willingness to be educated, well directed effort to educate them will not be thrown away. The experience of the last eight years is in this respect not at all discouraging. The intense public interest in the question of education, the readiness on the part of most legislatures to find funds to finance it, even in circumstances of great financial

stringency, the eagerness shown by most Ministers to provide increasingly wider educational facilities and thus carry out what was almost everywhere regarded as a mandate from the electorate, though they afford no guarantee against the recurrence of errors and failures, have in recent years given a motive power to the development of education in India such as perhaps has never existed before.

In all countries, enthusiasts for popular education are apt to persuade themselves that the "common people" actually want what they ought to want, and to underrate the prevalence of popular indifference and apathy, or to anticipate its rapid disappearance. But the experience of the last eight years in British India shows that well-directed effort does really meet with response. Ordinary citizens in many provinces have shown a readiness not only to submit to compulsory education for a specified term of years, but to welcome it. It is most significant that in Bombay, for instance, the Government is faced by a local demand for compulsory education which, for financial reasons, it is quite unable to satisfy. There is much evidence that a discriminating and well considered extension of compulsory primary education would be not only effective but popular.* Universal compulsory education is for the present hardly a practicable policy, if only on grounds of finance, but the gradual application of the principle of compulsion, even if it involves abandonment of the indiscriminate multiplication of schools and some elimination of existing schools which are ineffective, is obviously the line on which a higher return of educational value is to be obtained. And that this policy has proved acceptable to many groups of the "common people" who have come under it, is, in our opinion, the most encouraging feature of the period under review.

Prospects in Higher Education.

444. Higher education has perhaps a less direct, but not less important, interest for the purpose of our enquiry, and we have to consider its influence in the preparation of citizens for public life, for political leadership and for administrative duties. In the ten years 1917-1927 there has been an increase of nearly 25 per cent. in the numbers attending secondary institutions for

* It is important to distinguish between acceptance of the principle of compulsion and effectively securing the attendance of children. We direct special attention to the passage in the Education Committee's Report on this subject (pp. 84–89). At present most of the provincial laws regarding compulsion have left the adoption of it to local option; and this, coupled with the inaction and inexperience of attendance officers and committees, who are only gradually learning to regard the non-attendance of pupils as a social evil, has resulted in the legislative enactments being largely inoperative. The greatest measure of success achieved has been mostly in municipalities, but in the Punjab and to some extent in the Central Provinces good results have also been obtained in rural areas.

boys and about 50 per cent. in the numbers attending universities.

The complaint that the system of public education in India is top-heavy is of old standing,* and the fact that Bengal still spends more on university than on primary education (the University of Calcutta alone contains over 29,000 students) is significant. It is also a common complaint that the system of higher education is not adjusted to the social and economic structure of the country and that its educated or partly-educated output is greatly in excess of the country's capacity to absorb it, whether in public employment, or the professions, or commerce and industry, and consequently that it leads to great disappointment and discontent. Apart from these general criticisms which were passed by observers long before the period of the Reforms and which still have much foundation, we find in our Auxiliary Committee's Review and in the Supplementary Note much evidence of the same waste and ineffectiveness which characterise mass education and of the same defects of direction, control, and administration to which they are attributable. In the field of secondary education, the problem of guiding the system into the profitable channels of a good general education is complicated by the peculiar patronage exercised over the high schools by the universities in respect of their recognition, resulting in an undesirable dominance over both objective and curriculum. The narrowness and uniformity of high-school courses is largely attributable to university influence. But a consideration of the last quinquennial reviews issued by the provincial education departments indicates that, even on the narrow and unfruitful lines which are too commonly followed, the instruction is not effective and that the educational value obtained for public money and effort is proportionately small. Many pupils are admitted and retained and promoted from class to class in high schools, who are incapable of profiting by the instruction provided. The pay and conditions of service and the qualifications of the teachers are often very unsatisfactory, and complaints of their attitude towards their work are numerous. The impression, indeed, is left that the education departments have had little success in their attempts to improve the curriculum and teaching in secondary schools and are far from satisfied with the existing standards.

The Need for Regulation.

445. In these circumstances indiscriminate expansion is not likely to be profitable; indeed, at this moment it is wise regulation, rather than fresh expansion, that is needed. It is true that in India, in accordance with a long standing policy, the provision of secondary schools has been mainly left to voluntary

* See the Marquis of Zetland's chapter summarising the Curzon minute of 1901 on Education (Ronaldshay's Life of Lord Curzon, vol. ii, pp. 184–194, especially p. 185).

effort, and out of 6,178 recognised high and Anglo-vernacular schools only 1,114 are fully maintained and managed by Governments or local bodies, though 3,831 more are also aided out of public funds. It is, therefore, not so easy for a provincial Government to exercise an effective control over their establishment and conduct, and in fairness to Ministers this circumstance must be taken into account. Still, there can be no doubt that in the interests of India a very serious effort is required to put the system of secondary education on a satisfactory footing, and that this effort of reorganisation remains to be made by Ministers. On the other hand, as in the field of primary education, there are signs that the schools do and will respond to endeavours to humanise them and make them instruments of social training and real education rather than channels for the mechanical conveyance of information which can be reproduced without digestion in a university examination hall. Encouraging attempts are being made to develop courses with a practical bias and to broaden the exclusively academic curriculum. The popularity of physical training, games, scouting, school co-operative societies, music and school bands, and the development of a school medical service are significant features. It will take a long time to supply the schools with an adequate number of teachers who can shake off the fetters of a bad tradition and display the energy which is necessary to translate new ideals into action. They have good stuff upon which to work. "Of the general excellence of the material in Indian secondary schools for boys those of us who have lived in the country can speak with confidence." This quotation from our Auxiliary Committee's Report* will we believe be generally endorsed. The material requires sifting, and insistence on proper selection of pupils for admission and retention is essential, if grave waste is to be avoided and good standards are to be maintained. The problems of secondary education are mainly problems of organisation, and on their solution depends, in very large measure, the value of the contribution which the universities will make to the social and political strength of the country. University standards are bound to react upon standards of secondary education, and there is a very general agreement that in India this reaction has been and is excessive and in many respects detrimental. But the only good foundation for a university system which will be fruitful in the social, political and intellectual life of the people, is a sound and healthy system of secondary education, and shortcomings in that system are in the long run certain to bring with them failure in the higher ranges of education.

The Universities.

446. As regards university education, it was impossible for our Auxiliary Committee to visit more than a few of the colleges and universities or to undertake any comprehensive investigation.

* Ed. Report, p. 119.

There is, however, much documentary material available and some members of the Auxiliary Committee have considerable personal experience of university conditions.

There has been a large expansion of university education. Eight new universities have been established since 1920 (in addition to two new universities founded between 1916 and 1918), and in spite of the movement towards "unitary teaching" universities, as distinguished from "affiliating" universities, the number of arts colleges affiliated to universities increased from 152 in 1922 to 232 in 1927, and the students enrolled in them from 45,770 to 65,911. The Committee notes with satisfaction that private benefactions have been forthcoming on a large scale for the provision of university education. "More and more the universities of India are becoming the objects of the generosity of wealthy men. This is as it should be."* Though the importance of directing such beneficence into fruitful channels must not be overlooked, the spirit which it expresses is a very encouraging feature.

The last authoritative pronouncement on Indian university education was that of the Commission on Calcutta University of 1917-19, whose recommendations were commended generally to provincial Governments by the Government of India in 1920. In respect of the reinforcement, if not the replacement, of the old type of Indian university, with its large numbers of affiliated but scattered colleges, by unitary teaching universities properly equipped for advanced study and research, some progress has been made, though it is clear, as our Committee states, "that the requirements of India cannot be met solely by unitary universities and that the affiliating university is likely to remain for many years to come."† There are now seven universities in India which are more or less unitary, but the total number of students in them is less than half the number in Calcutta University alone.

Another of the reforms advocated by the Calcutta Commission was the separation of the courses up to the "intermediate" stage from the degree course proper and the making of provision for intermediate teaching in separate institutions under school conditions and discipline, with class instruction instead of mass-lecturing. The low age and low standard of matriculation and admission to some universities bring into them at present numbers of young and very immature students who are quite incapable of profiting by real university education and who in Europe would still be treated as school-boys. Some experiments have been made to meet this obvious mischief, but "the controversy as to whether the intermediate course should or should not form part of the university system is still acute."‡ The problems of organisation in this matter are very difficult.

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* Ed. Report, p. 140.
† Ed. Report, p. 122.
‡ Ed. Report, p. 115.

Inside the universities and colleges, attempts have also been made to supplement the traditional mass-lecturing by tutorial instruction, and in the new teaching universities with considerable success. But in the larger colleges with more than a thousand students in each and a relatively small staff, tutorial instruction is bound to be more nominal than real.

Need for University Reform.

447. Equipment in respect of laboratories and libraries has been improved, though much remains to be done. The value of social activities and corporate life, and the advantages of residential hostels are more appreciated. A considerable advance has been made in Honours and post-graduate work and in research since 1917, though the volume of research produced is still not large in proportion to the very great number of teachers and students. On the other hand, it is obvious that more serious effort is needed to grapple with the fundamental vices of imperfect organisation which afflict Indian universities and render so much of their work futile and exposed to the mischiefs which are specially attendant on futility in this region of the highest education. The standards of admission to some universities are deplorably low. "Many of the students are unable to follow the lectures owing to their defective knowledge of English which is used as the medium of instruction."* "There are no signs of any consistent or sustained resolve to grapple with the evils arising from the large admission of unfit students."† "The universities are overcrowded with men who are not profiting either intellectually or materially by their university training. To many hundreds the years of training mean a waste of money and of precious years of youth."‡ A large percentage of the students fall by the way. The admission of such students is not only unfair to them, resting on a mere pretence that they will get, in return for their fees, something of value which they cannot get, but is also very prejudicial to the students who are fit for university work. The best men suffer. There is plenty of good university material in India, but much of it is smothered. Raising the standard of subsequent examination against those who have been improperly admitted is no cure. The development of research at the top counts for little against the disregard of the real interests of the mass of average students, whose ordinary instruction is ineffective. "The overcrowding of universities and colleges by men of whom a large number fail and for whom there is no economic demand has vitally affected the quality of university education."§

The extensive unemployment of university graduates in India is well known, and the provision of specialised training for the

* Ed. Report, p. 135.
† *Ibid*
‡ Ed. Report, p. 144.
§ Ed. Report, p. 144.

professions of law, medicine, engineering, and for commerce, industry, and agriculture exceeds in many cases the absorptive capacity. An Indian B.A. cannot reasonably claim that, because he has been to a state-aided university, Government ought to find him a job; but the lowering of standards means a multitude of graduates of very moderate attainments and very poor prospects. Disregard of the proportions of the social and economic structures of the country brings with it its own retribution.

The necessity of university reform can hardly be put too high. Its difficulty in the face of vested interests and fixed traditions is very great. University authorities and ministerial departments have to shoulder an onerous inheritance, and the fruit of their best efforts to promote a new organisation and to create a healthier public opinion will require a long time to ripen. The ordinary Indian parent has to be given a better idea of the proper aims of a university and of the meaning of university standards. But a great deal in the future of India will depend on their endeavours and their success. Their reward will be a real enrichment of the broad stream of national life.

Education of Girls and Women.

448. We are in entire agreement with our Education Committee's appreciation of the importance of the education of girls and women in any scheme of national organisation. It is not merely that an illiterate female population cripples a nation by the comparative immobilisation of a half of its intellectual resources; the whole texture and strength of the national life are largely dependent on the contribution which women make to it, and in existing circumstances this is perhaps even more true of India than of many other countries. No one with any knowledge of India would be disposed to underrate the power which its women wield within the confines of the household. The danger is that, unless that influence is illumined with knowledge, or some idea of the value of knowledge, its weight may be cast against the forces of progress. The resistance offered to new ideas by the uneducated orthodox woman is proverbial. Alike for the training and instruction of the young and for the readjustment of the Indian social system, the Indian woman is, we believe, pivotal. It is manifest that the best teacher for girls and small children in a village school, as elsewhere, would be a well-trained woman, but the difficulties of establishing a service of such teachers in country places are very great, and the supply is very small. As yet literacy has hardly touched the fringe of the female population. We have already noted that in 1921 the literacy percentage for females of 5 years of age and over in British India (including Burma with a percentage of 11.2) was only 2 per cent. There has been a quantitative expansion in girls' primary education, but it has been even less profitable in result than in the case of boys. "The wastage, immense in

boys' schools, is still greater in girls' schools, and the girls' schools produce a much smaller proportion of literates."* Whereas for each 100 boys who entered Class I in 1922-23 only 19 were to be found in Class IV four years later, the corresponding figure for girls was only 10.† On the other hand, the last ten years has seen a distinct turn in the tide of educated public opinion, and it is most encouraging to find that, as the number of educated women in the middle and upper classes is increasing, they are " realising not only the immediate need for the eradication of well-recognised social evils but also the urgent desirability of educating their daughters, not necessarily for employment or high scholarship, but at least to be more efficient as wives and educated mothers in their own homes."‡

" It is gratifying to note," says a report from the Bombay Presidency, " that the time when the education of girls had not only no supporters but open enemies has gone by. The stages of ridicule, apathy, indifference and criticism have been passed and the welcome stage of positive approval and encouragement is reached."§ Bombay is indeed more successful than any other province in keeping in its primary schools for a reasonable time a fair proportion of the girls who enter them.

Some of us were privileged to attend the opening meeting in 1928 of the All-India Women's Educational Conference at Delhi and were impressed both by the representative character of the gathering and by the evidence it gave of the fact that the educated women of India are realising their responsibility and their power. The vanguard of progressive women is steadily, if slowly, growing in numbers. It is penetrating fields of public activity hitherto closed to women and, fired with an intense desire to enlist the womanhood of the country for more effective national service, now forms a force such as earlier educational reformers could never hope to count upon to aid the assault on the strongholds of conservatism and reaction. The active entry of Indian women into the arena on the side of educational and social progress is a feature of real promise. Much sagacity, patience and perseverance will be required. The gallant determination of the pioneers is blazing the trail, but much more than a decade of enthusiasm is necessary to break through obstacles which centuries have helped to build up.

Education of Muhammadans.

449. We do not propose to repeat in any detail the facts and figures set out in our Auxiliary Committee's Review dealing with the progress of various educationally backward classes. We are, however, so impressed with the value of education as a solvent

* Ed. Report, p. 167.
† Ed. Report, Table XXIV, p. 46.
‡ Ed. Report, p. 181.
§ Bombay Quinquennial Report on Education, 1922–27, p. 137, quoted on p. 181 of the Ed. Report.

for some of the worst troubles that to-day beset the important minority communities in India that we must make some reference to the efforts that have been made to equip them to take their proper share in the advancement of the common weal. The case of the Muhammadans is of special importance, by reason of their numbers, their tradition and their history. They have found much difficulty in realising that in the altered conditions of the time, if they are not to be outdistanced by other competitors, they must equip themselves with other weapons than those that proved sufficient in days gone by to make their forebears rulers of the land. No one who reflects upon the past achievements of Moslem art, poetry, and science can doubt the importance to modern culture of a broadening educational influence upon that community.

In ten years the number of Muhammadan pupils in all recognised institutions has increased by a million—from 1½ millions in 1917 to 2½ millions in 1927—and the proportion of Muhammadan pupils to Muhammadan population is now slightly higher than the proportion of pupils of all races to the total population. On the other hand, at the primary stage, "wastage among Muhammadans is appreciably greater than the general wastage in schools."* In Class I Muhammadans form 28.4 per cent. of the total of that class; in Class V they form only 17 per cent. of the total. In the upper stages of education there is a further falling off. Whereas Muhammadan pupils in the primary stage represent 24.9 per cent. of the total at that stage, in the middle stage they represent only 16 per cent., and in the high stage of schools only 13.5 per cent.

A fresh impetus was given to higher education for Moslems by the establishment of the Aligarh University in 1920 and by the foundation in the same year of the Dacca University which, though not communal in intention, draws its students chiefly from Eastern Bengal, a predominantly Muhammadan area; so that, although the number of Muhammadan students at universities and arts colleges is still only 13 per cent. of the total number of students at such institutions, it has increased from 5,212 in 1917 to 8,456 in 1927.

Educationally backward as the Muhammadan community is, there has been some real awakening to the value of education. Its organisation for Muhammadans is complicated by questions relating to religious instruction (as indeed happens in other countries). It is hardly within our province to advise how these difficulties should be met, but the difference of view may be illustrated from the pages of the Auxiliary Committee's Report, where all the members save one recommend one course of treatment,† and the remaining member, Raja Narendra Nath, strongly dissents.‡

* Ed. Report, p. 188.
† Ed. Report, pp. 204–5.
‡ Ed. Report, p. 349.

The Auxiliary Committee points* out that, in respect of publicly-managed primary and middle schools, special arrangements for training Muhammadan teachers are particularly necessary. The Committee considers that for some time to come specific arrangements will be required for bringing a considerable number of Muhammadans into the training institutions for teachers, and that the control of these arrangements should be retained by provincial Governments and not by local bodies.

Depressed Classes and Backward Areas.

450. We are glad to express our appreciation of the attitude of provincial Governments since the Reforms towards the education of those less progressive sections of Indian society—the submerged masses falling under the general description of the "depressed classes." We extract a paragraph from the Auxiliary Committee's Report, which depicts the obstacle to be overcome.

> "The education of these classes raises a question of great difficulty and importance since their children are, in many places, actually excluded from the ordinary public schools on the ground of caste alone. . . . While it is true that caste prejudice is in many areas rapidly disappearing, it is difficult to exaggerate the disadvantages under which members of the depressed classes suffer in some places. In certain areas, an 'untouchable' still causes pollution by presence as well as by contact, and in these areas many of the public roads and wells cannot be used in daylight by the depressed classes. Publicly managed schools are not infrequently located on sites which are entirely inaccessible to the depressed classes, and even in those areas in which their children are admitted to the ordinary schools it often happens that the depressed class pupils are made to sit separately in the class-room or even outside the school building." †

Their problem is economic as well as social, and for them material progress is largely dependent on educational opportunity. It is only in the rare cases where members of these classes have through education raised themselves in the economic scale, that they have succeeded in surmounting to a large extent the social barriers that custom has raised against them.

No Minister has hitherto come from a depressed class, yet never has education among the classes falling within this category received such encouragement as it has since the transfer of education in the provinces to the charge of Ministers. There has been a very large and striking increase in the enrolment of depressed pupils in the last five years (from 377,000 to 802,000) :‡ and though there are faults of organisation and of method which, as in the case of the more advanced communities, definitely discount the value of mere figures, the intention of the effort made since the inauguration of the Reforms is most laudable.

A great deal of private effort has been concentrated by missions and societies on the education and uplift of these classes, and provincial Governments have issued emphatic orders designed to

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* Ed. Report, 205.
† Ed. Report, p. 217.
‡ These figures are for the Governor's provinces, excluding Burma and Assam.

secure that "depressed class pupils should receive equal opportunities of entering into, and equal treatment in, all publicly-managed institutions"* and have given assistance to them by remission of fees, by scholarships and by special supervision. The difficulties of securing real compliance with these orders are great and the provincial rules are frequently broken. Depressed class pupils are largely confined to the primary stage. The figures for girls are deplorable—less than 50,000 are recorded as receiving education in any recognised institution at all, and only one girl out of every 30,000 of the female population of the depressed classes proceeds beyond the primary stage. Our Committee has no doubt that the policy of admission to the "common school" is preferable to that of the "segregate school," but in Madras, where the caste system is most rigid, there are over 10,000 special schools for the depressed classes and only 16,000 out of 228,000 depressed class pupils are reading in the ordinary schools. In the United Provinces, on the other hand, 75 per cent. of the depressed class pupils attend mixed schools; and even in Madras, 70,000 pupils who do not belong to the depressed classes are reading in the special depressed classes schools. Much remains to be done in the solution of a problem which has grave political significance. Sustained effort to remove the reproach of the depressed classes will be required, but the fact that the reproach is admitted and that there is a will to remove it by liberal use of the resources of public education is encouraging.

In the backward areas less progress has been made. It is clear from the Committee's Review† that the main reason for this is the adoption by provincial Governments of a scheme of grants to local authorities proportionate to the sums set aside for education by the local authorities themselves, without any provision, except in Bihar and the Punjab, for the grading of districts according to their financial resources. Thus, backward areas, which might be supposed to need most assistance from their provincial Government, receive in most cases, owing to their own poverty, less help from this quarter than wealthier districts. Nor is this state of affairs likely to be remedied without an extension of the principle of grading and the provision of facilities for the training of local teachers in the areas themselves.

We desire here to refer to the unselfish work done among the depressed and backward classes, as well as in other special spheres, by various philanthropic organisations, which have devoted themselves to bringing education in its widest sense to communities to whom it was not otherwise available. Of these, the principal examples are the Christian missions, which were for generations the chief agents of education and still continue to do educational work of inestimable value. In the Presidency of Madras alone, Christian missions have some 8,000 schools and 20 colleges. The same spirit of devotion, the same desire to give help

* Ed. Report, p. 226.
† Ed. Report, pp. 250–2.

where help is so much needed, inspires the efforts of some non-Christian agencies, such as the Seva Sadan in the Bombay Presidency, the Deccan Education Society, the Brahmo Samaj, and the Ram Krishna Mission.

Devolution of Control to Local Bodies.

451. If the real " growth " of Indian education, whether in respect of performance or immediate promise, has at the present moment no great political or constitutional significance, it is evident that this circumstance is attributable in large measure not only to fundamental obstacles, the strength of which we do not underrate, but also to defects in organisation, direction and control. The facts disclosed by our Auxiliary Committee's Review indicate conclusively that the encouragement or tolerance of undiscriminating quantitative expansion following the line of least resistance leads only to futility and waste of time, effort and money. Lavish expenditure on education can afford no ground for complacency if it does not secure an increased return in educational value. Money cannot do everything and cannot be left to do its own work. And in India the importance of husbanding all available resources for education and applying them in the manner and on the objects which will yield the best return, is vital.

It is only fair to the work of provincial Governments after the Reforms to repeat that they inherited a policy and system, or want of system, which in many respects were wasteful and ineffective. It was not to be expected that they should at once embark on any drastic and unpopular policy of reconstruction. But the course of events in the last eight years, marked by a genuine and generous desire to foster this nation-building service, has thrown into higher relief than before its old inherent weakness. And in one respect, viz., the devolution of authority and responsibility on local bodies, it is now evident that the action of some provincial Governments was both precipitate and excessive. It has tied the hands of ministerial departments and, however much they may now realise the necessity of wise reforms and true economy, they find themselves deprived of that effective power of supervision, direction and ultimate control which, even in countries where self-government by local bodies is most highly developed, is regarded as essential. In England, where the principle of decentralisation is honoured and local self-government is strong and highly developed, much more power is reserved to and exercised by the Department, acting through its permanent educational advisers, than in India. We fully recognise the value of responsible local administration as a training ground for political and public life; this must be set off against some degree of initial inefficiency. Local bodies may " learn by making their own mistakes ", but they need to be helped not to repeat them, and their shortcomings must be genuine mistakes due to inexperience or ignorance. We do not exaggerate the

significance of the instances of misuse or abuse of local power which the proceedings of local bodies supply, but it is clear that in a good many cases the " mistakes " are more properly described as " breaches of trust ". After all, provincial Governments and Education Departments are trustees of a service which is of vital importance for the youth of India and the future of India, and which is now in a most critical position. That trusteeship does involve the reservation and exercise of the powers necessary for securing its due discharge.

Conditions in the Teaching Profession.

452. Public education calls above everything for a due supply of suitable and efficient teachers, and there is much to be done before a corps of such teachers can be established and organised in India for elementary schools. It seems to us that, while there is widespread and genuine enthusiasm in the abstract for educational advance, zeal for personal service in the teaching profession greatly needs to be encouraged. There is no such thing as a good school without good teachers. The conditions of service and tenure leave much to be desired. The deplorably low rates of pay which prevail in many provinces provide a part of the explanation of the present deficiency; there is no Burnham scale in India. Our Auxiliary Committee states that in Bengal the average monthly pay is as low as Rs. 8 as. 6 (or about 12s. 6d.); so that, though this pittance is frequently increased by gifts from parents of food and clothing as well as by private coaching or other work where it is available, it is often impossible for the teacher to maintain in the community the status which should be his. More than half of the teachers employed in primary schools for boys are untrained; of those who have received training, only about two-thirds had themselves completed the middle course. The existence of this body of untrained teachers completes the " vicious circle " of primary education and presents one of the greatest problems with which Indian education is faced. In some places, such as Gurgaon in the Punjab, efforts have been made to improve the position of the teacher and make him a guiding influence in village life, but, if this object is to be attained, teachers must by their training have a special interest in rural life and rural activities. The villages suffer, even more, from the lack of women teachers, whose usefulness, not only in girls' schools, but also in the lower classes for boys, is now almost universally recognised. In America and Great Britain, the percentage of women teachers in primary schools reaches a very high figure; in India, they number less than one-tenth of the total, but accommodation and companionship in rural areas present a special problem, the solution of which can be supplied only by time and a new respect for the dignity of the calling and of women's essential place in it.

The Need for Good and Independent Inspection.

453. Educational administration everywhere is a complicated matter, and in India geographical and communal conditions make it more than usually difficult. In all countries it requires a considerable staff of skilled and experienced officers, both for supplying first hand information and for exercising functions of supervision and guidance. And in the higher grades it requires men of first rate ability, who are familiar with the best standards of efficiency and the means of their attainment. Our Committee makes it clear that the position is far from satisfactory in this respect. " We are of opinion that the headquarters staffs are lamentably inadequate, and that the preparation of schemes of policy for consideration by the Minister has been seriously hampered by this inadequacy."*

Similarly, the facts stated in our Committee's Report† show beyond doubt that the Inspecting Staffs of the provincial Governments are wholly insufficient, and that their insufficiency is increasing both by reason of the much greater volume of work which they have to face, and because the subordinate government inspectors have either been transferred to the service of local bodies (as in Bombay) or are expected to serve both the local bodies and the provincial Government. The quality in the lower grade of the Inspectorate is poor. In Bombay, the present position as regards the Government's ability to exercise any kind of effective supervision over primary education seems particularly unsatisfactory. Only in Madras and the Punjab have the Governments realised the value of efficient inspection and taken steps to secure it.

The vital importance of government inspection, both on its protective and constructive side, is well recognised in Europe. In the early days of a public system of education, and also in periods of rapid expansion—particularly when administrative responsibility is being extensively confided to inexperienced local bodies—the protective function of independent inspection is specially important. It is only through such inspection that Governments and Ministers can guard against large waste of money, which, if permitted, will quickly exhaust resources and cripple all endeavours to build up a good system. The Government cannot in this matter properly rely on any officers but its own. And even when the foundations of a good system have been firmly established, government inspection remains just as important on its constructive side and as a stimulus to fruitful development. Efficient educational inspection is just as essential as efficient railway inspection: safe and rapid advance on the right lines is not possible without it. And its maintenance involves no suggestion of distrust either of local bodies or of

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* Ed. Report, p. 288.

† Ed. Report, Ch. XVI, pp. 290–306.

teachers, or of slight to them. Indeed, in England where devolution to local bodies is well developed and they are legitimately proud of their proved capacity for responsible administration, and where teachers are well-organised in associations and maintain close contact with each other, the constructive criticism, advice and guidance of the government inspector are not only not resented, but welcomed. There is reason to believe that English local education authorities desire not less but more government inspection. We are convinced that in India inspection is the Government's administrative key to advance, and that without an efficient system of government inspection of this nation-building service, there is a grave risk that its relative sterility will be perpetuated.

The Educational Services.

454. We also concur in the view that the post of Director of Public Instruction must be recognised as one of peculiar importance; on him must rest responsibility for the execution of policy, and for this purpose he must have full authority over the personnel of the Education Department and the machinery of its administration. The provincialization of the educational service and the closing down of recruitment for the Indian Educational Service make the problems of recruitment and training even more difficult than they were, and much will depend on the wisdom, foresight and liberality with which Governments attack them. There is no time to be lost, for the Committee declares that "the progressive extinction of the Indian Educational Service, accompanied by the failure to reconstitute the provincial services (after a period of nearly five years), has been disastrous to the organisation of Indian education."* As regards recruitment, we concur in the view expressed by our Committee that "the conditions of service in the reorganised provincial services should be such as to attract Indian candidates with high European or other qualifications, and arrangements should be made, whenever necessary, to recruit Europeans on special contracts to posts outside the ordinary cadres."† For better or worse, European standards and methods of education have been adopted in British India, and to say that for some time to come the experience of Europeans will be necessary for their effective application implies no reflection on the capacity of Indians to assimilate and profit by that experience, and eventually to dispense with it.

Education of Europeans and Anglo-Indians.

455. Our Auxiliary Committee devotes a chapter of its Report‡ to the important topic of the education of Europeans and Anglo-Indians and supplies much information which ought to be carefully studied. Out of a total population of a little over 250,000

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* Ed. Report, Ch. XVI, pp. 337–8.
† Ed. Report, Ch. XVI, p. 338.
‡ Ed. Report, Ch. XI, p. 229.

Europeans and Anglo-Indians (of whom more than 60,000 are British soldiers serving in India, and their dependants), about 25 per cent. are at school—a figure which " indicates that nearly every child is receiving some sort of education ".* " The great majority of the schools are under mission management, but 95 are maintained by the Railways. The remainder are managed either by private agencies or by Government ",† 275 being high or middle schools. Some are of old foundation. The railway schools have been provided to meet the needs of railway servants at important centres, for some 16,000 railway employees in India belong to these two communities. Although the average cost of educating a child in a European school is much higher than in an Indian school, it must be remembered that many of the European schools are boarding schools, and that the average European pupil pays a far larger sum in fees. Moreover, a much larger proportion of European pupils are reading in the middle and high stages. We shall have occasion in our second volume to discuss the position of these communities in the policy of India, not only in respect to education but as residents representing elements of an importance which far transcends their comparative size. We will, therefore, only observe here that we hold with our Committee that it is " essential that far more European and Anglo-Indian pupils, whose future work lies in India, should join the main stream of national education and be encouraged and assisted to qualify themselves for admission to the arts and professional colleges with a view to entering a liberal profession."‡

The Directly Administered Areas.

456. We turn now to the areas of British India which lie outside the major provinces and which at the time of the Reforms were retained under the immediate control of the Government of India, supply being subject to the vote of the Legislative Assembly. The areas concerned were the North-West Frontier Province, British Baluchistan, Delhi, Ajmer Merwara, Coorg, and a few other minor districts, but in 1924 a local legislature was established in Coorg, which then ceased to be directly administered by the Central Government. Education suffered severely from the recommendations of the Inchcape Retrenchment Committee, as a result of which the Bureau of Education and the Central Advisory Board of Education were abolished and the administration of the subject placed under the Department of Education, Health and Lands. Moreover, the Educational Commissioner of the Government of India has since then combined the duties of adviser to Government, Secretariat Officer, and Superintendent of Education both

* Ed. Report, p. 230.
† Ed. Report, p. 231.
‡ Ed. Report, p. 242.

for Delhi and for Ajmer Merwara. "How relentlessly the policy of retrenchment was applied may be gathered from the fact that, in the North-West Frontier Province alone, within two years the expenditure from Government funds was reduced by nearly two lakhs, 125 primary schools were closed, one of the two posts of circle inspector was abolished, the junior Anglo-vernacular training class for men was closed, all the three training classes for men attached to the Government high schools were abolished, the only normal school for the training of women was given up and grants-in-aid were generally reduced."*

Such a record of parts of India in which the natural difficulties of organising an efficient system of education are so manifest is depressing. But in view of the policy pursued, it is not surprising that the increase in the number of pupils in schools in most of the districts concerned has been small in comparison with the neighbouring provinces. Thus, in Ajmer Merwara, the percentage increase in the number of pupils from 1922 to 1927 was only 15.2 in primary and 25.8 in secondary schools as compared with 31.8 and 37.8 respectively in the United Provinces. Even the figures for Delhi, which show an increase for the same period of 64 per cent. in all educational institutions, contrast with a figure of 96 per cent. in the Punjab. Recently, however, the horizon has lightened somewhat. In 1927 a five years' programme of expansion was undertaken by the Government of India, but even this will only bring the level of education in these areas up to that of 1922.

Conclusions.

457. The conclusions which we feel bound to draw from the material presented to us have already been indicated, and we believe that they would commend themselves to any impartial and experienced observer.

We do not deal with the "previous question" which has been frequently raised by European as well as by Indian critics, whether public education in British India has not from the beginning been developed on wrong lines. Those who take this view contend that Western methods and objectives have precluded the growth of an indigenous culture expressive of, and responsive to, the different types of native genius, and ask whether a re-orientation of the whole educational system is not required both in the figurative and the literal sense of the word. There is much that might be said on either side. But we are now concerned with the facts and tendencies as we find them in the period subsequent to the Reforms, in relation to the political and constitutional issues of responsible self-government.

Literacy is increasing, but a literate India is still a long way off; the supply of teachers and the organisation of inspection need to be greatly improved; the reform of educational finance and a better concentration of educational effort are required to

* Ed. Report, p. 280.

prevent expansion being unfruitful and the ground still uncultivated remaining sterile. Unless all resources are husbanded with the greatest care, the prospect of an educated India is remote, while the dangers which might arise from an uneducated India are not diminishing.

We believe that the desire for education is widespread and that the material is excellent and readily responsive to good teaching. The missionary spirit of disinterested service in the field of education, which has long and honourably characterised Christian agencies, is showing itself in many other quarters and is no longer exotic. The educated women of India are doing their best to break down the barriers of custom and prejudice, which not only leave half the population uninstructed, but through the reactions of female ignorance, stand in the way of general educational progress. Enlightened opinion no longer tolerates or acquiesces in the abject condition of the depressed and backward classes. The beneficence of the wealthy is ready to be enlisted in the service of education; and the zeal of provincial Ministers in charge of this subject meets with ready support from their colleagues. In these features of the present situation there is much ground for hope and encouragement.

To achieve the ends in view, Governments will have to devote themselves for a long period to come to the task of reforming the organisation and administration of this vital service. We do not underrate the obstacles presented by the systems which Governments have inherited, by vested interests which have grown up under them, or by the atmosphere of " make-believe ", which lowers academic vitality. Effective reform cannot be rapid, and the way to it will not be easy. But success in the educational field, which everywhere, in Europe as well as India, is full of complications and difficulties, will perhaps afford a better assurance to the peoples of British India than success in any other field, that their own Governments are capable of translating ideals into action and guiding enthusiasm into fruitful channels. The issue is one which will have vital consequences, direct and indirect, for the political future of British India.

PART VII.—PUBLIC OPINION IN INDIA.

458. Before closing our survey and passing in the next volume to our proposals, we must make some attempt to indicate how far any political consciousness exists among the peoples of India and to measure the strength and direction of the forces at work. The development of public opinion is one of the prime factors to be considered in estimating the results of the present system and the possibilities of future action. We recognise the need for caution in this matter, for there is no harder task than for men of one race to understand the minds of the people of others. This is especially so in India where thought does not run on Western lines, where values are so different, and where so much of the attitude towards life rests on assumptions other than those accepted in Europe. Even the man who has spent long years in the East in close contact with its inhabitants, speaking their languages and versed in their history and philosophy, will confess that many things are hidden from him. We can only give the effect on our minds of much written and oral evidence, of our own observations and inquiries, and of many friendly discussions with Indians of all communities.

The Extent of Political Consciousness.

459. Interest in politics in India is still necessarily confined to a small minority, chiefly found in the urban and educated population. This would, in any case, be natural in a country which is predominantly inhabited by small cultivators who are for the most part illiterate. Such a result is, in itself, not a matter of race or climate, so much as of social organisation. All the world over, the peasant, except in a few small countries, is not continuously interested in politics. His horizon tends to be bounded by the village. It would, therefore, be altogether surprising if ten years of the Reforms had effected in India what many decades of representative institutions have failed to accomplish, under more favourable conditions, elsewhere.

But the small extent to which political consciousness has developed among the inhabitants of the 500,000 villages of British India is not caused solely by conditions which exist in rural communities all over the world. It is very largely due to special circumstances. The idea that the course of government should be affected or controlled by the opinion on political matters of himself and his fellows is wholly foreign to the traditions of the Indian ryot. The fatalism which accepts things as they come, and the habit of regarding Government as a power outside himself which moves in a mysterious way and issues decrees for which he is not responsible, are not easily transformed into a state of mind which takes an interest in political problems because it means to have a hand in their solution. This was the "pathetic contentment" from which Mr. Montagu wished to rouse the masses of India.* Since the method by which this was

* M/C Report, para. 144.

to be done is the introduction into Indian life of political institutions borrowed from a very different world, the process is bound to be slow. We have pointed out, in our chapter on the Voter and the Member*, how the idea of holding an elected representative to account, and treating him as the instrument for enforcing the views of his constituents, is still very imperfectly realised. Communal and sectional feelings are nearest to the surface, and it is inevitable that they should take precedence over more general political conceptions. It is a commonplace to dwell upon the immense size of India, but a mere statement of its extent cannot convey how difficult it must be for an Indian villager to have any view on many large political questions. When the last census of India was taken, 90 per cent. of the 320 millions who were then counted were found to be living in the same district in which they had been born, and of the balance, two out of three were found in a contiguous district.† How can men with this limited range of experience appreciate the implications of overseas trade, the arguments for or against tariff policy, the importance of frontier questions, or indeed the fact which lies at the root of all Indian questions—the variety of India itself? The growth of political consciousness is, therefore, hindered not only by the tradition which so widely prevails that policy is a matter for Government, and not for citizens, to decide, but by the practical obstacles of distance and ignorance to be overcome, even after that tradition has been broken down.

It must not be concluded from this that the Indian peasant cannot be stirred by mass movements inspired by ideas within the range of his everyday experience. When religious or communal emotions are stirred, or when his immediate economic interests are at stake (as in the case of assessment of land in Bardoli), the villager may be roused to vehement action. While abstract political ideas may leave him unaffected, the personality of a leader such as Mr. Gandhi will make a great appeal. It is always a grave mistake to ignore the possibilities latent in this situation. The politically-minded in India are only a tiny minority, but they may be able to sway masses of men in the countryside.

The same consideration applies, but in a greater degree, to the comparatively small class of urban wage-earners. Drawn mainly from the lower strata of society, uneducated and poorly organised, they are, nevertheless, a potential force in the hands of those who know how to use them. There is no doubt, of course, that the urban educated classes have become more and more politically-minded. And, while it is natural that political thought and influence should be concentrated so largely in the towns, yet it would be an error to ignore the personal influence of the leading men in the countryside, which in the almost feudal conditions of rural

* Part III, Chap. 1.
† Census of India (1921) Report, p. 83.

India is often very great. This, however, is a passive rather than an active force; it resists change and stands on the ancient ways. It is in the Presidency cities, therefore, and in the other large towns that active political forces must be looked for. The members of the professions, the journalists, most of the school teachers, and, above all, the lawyers, are naturally concentrated in the towns, and here too are the universities, the students of which make themselves so prominent in Indian political movements, apparently without any anxiety as to the consequence of absenting themselves from their academic studies.

The Pace of Advance.

460. Political thought in British India to-day is derived from Europe. The keen intelligence of the educated Indian has been stimulated by study of Western institutions. It is remarkable how the theories and phrases of political science as expounded in England and America have been adopted and absorbed. But the sudden impact of ideas drawn from the experience and conditions of other peoples in other climates is bound to have a disturbing effect. Down to thirty or forty years ago India stood entirely outside the influence of the course of political ideas which at length produced democratic self-government in some other parts of the world. But in the last generation she has been swayed, at one and the same time, by the force of several conceptions which in Europe had followed a certain sequence. Thus, the struggle for power between rival religious communities, the rise of an intense national spirit, the spread of toleration, the growth of democracy, and the controversies of socialism, mark fairly well-defined epochs in European history. But, in India, these various influences are contending side by side for the allegiance of the politically-minded. The growth of national self-consciousness is retarded by communal separatism. The movement towards Western industrialism is countered by the return to the spinning wheel. The equality of Asiatic and European is proclaimed, while the clash of Brahmin and non-Brahmin, or caste and outcast, is intensified. Ultra-democratic constitutions are propounded, although the long process which was a necessary antecedent to democracy in Europe, viz. the breaking down of class and communal and occupational barriers, has only just begun. Indian political thought finds it tempting to foreshorten history, and is unwilling to wait for the final stage of a prolonged evolution. It is impatient of the doctrine of gradualness.

The Formation of Public Opinion.

461. In a country where the number of literates is very small, the formation of opinion depends far more on the spoken than on the written word. Rumour counts for more than reading; but the most exaggerated rumour finds its way into a certain class of Indian newspaper, and the influence of the man who can read

is necessarily very great. Controversial questions, in a community that is advancing to self-government, can only be satisfactorily disposed of, if there is some means of informing the public of the reasons for the policy adopted. We have pointed out, in an earlier part of this volume,* how gravely the interests of good government are undermined, and confidence in the administration is shaken, by the distortion and misrepresentation practised with impunity by some Indian newspapers, and by the absence of adequate means of counteracting it. "It should be explained that the Government of India, unlike most of the regularly constituted Governments in the world, has no Press of its own on which it can rely for support. As a rule the Anglo-Indian Press gives general support, but any one or all of the Anglo-Indian newspapers might, and sometimes do, turn strongly against the Government of India in matters of the highest importance. The reason, of course, is that the Government of India is not a Government placed and kept in power by a political party whose organs are pledged to its support, and the Indian-owned and controlled Press is, on the whole, an opposition Press."†

Not only has the Government of India no "Press," but it has no "platform." That is to say, the Reforms have not produced in the Assembly a Government Party among elected members, which expounds to constituents and others the case for Government policy. In the provinces, one half of the Government has been purely official and the other half, though it was intended to rest upon the support of a majority of elected members, in fact often had to rely on official aid. The result is that, in the provinces also, there has been no propaganda on the side of Government.

Except for an occasional address by the Viceroy, or by a Governor, and except for speeches made by officials in the legislatures, political advocacy is left to the critics. Apart from the personal influence of officials, British and Indian, in the districts and an occasional communiqué from headquarters, the Government case goes by default. It is obvious to us that this constitutes a very grave danger, not so much to any particular policy or form of Government, as to the general respect in which organised authority ought to be held. The danger is all the greater because India is a place where hearsay, however improbable, seems to gain widespread credence and to be capable of rousing fierce passion.

The Force of Public Opinion.

462. The effect of public opinion on the actions of Government is apt to be under-estimated by Indian politicans. They tend to consider that, unless political power is made explicit in statutory

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* Paras. 287, 288.

† "India in 1927–28," page 59. In this passage the "Anglo-Indian Press" of course means the British-owned Press appearing in India.

form, it is non-existent. As a fact, nothing can be clearer than that public opinion, as expressed in the Assembly and Council of State, has often resulted in action by the Central Government in accordance with it. The fact that the Executive is irremovable, or that certain budget items are non-votable, does not mean that the Executive can afford to ignore the views of elected representatives, even over subjects apparently within its sole purview. If this is true of the Centre, it is still more so of the provinces. The reserved side of Government is amenable to public opinion, almost as much as the transferred side. It may safely be said that to-day, whatever may have been the case in the past, the effect of Indian public opinion on policy is a factor which must be taken into account in every decision that is made. As its basis becomes broader with the spread of education and political experience, it is bound to become a still more powerful force.

Equality of Status.

463. The object of the present chapter is not so much to describe the political views which are prevalent in India as to estimate the extent to which an influence which can fairly be called public opinion exists there at all. We have indicated the strictly confined range within which the flow of political consciousness manifests itself; within those limits there are many cross-currents. But what is the general direction of the stream? We should say without hesitation that, with all its variations of expression and intensity, the political sentiment which is most widespread among all educated Indians is the expression of a demand for equality with Europeans and a resentment against any suspicion of differential treatment. The attitude the Indian takes up on a given matter is largely governed by considerations of his self-respect. It is a great deal more than a personal feeling; it is the claim of the East for due recognition of status. It is usual to date the rise of this demand on the part of the Asiatic for equality with the European from the defeat of Russia by Japan. There is no doubt that that event had its repercussions throughout the Eastern world, and especially in India, where an educated minority was already claiming for Indians a greater share in the government of their country. But the events of the past two decades have much accelerated the movement. The doctrine of self-determination preached during the Great War, the successful nationalist movements in many countries, and the resistance of Turkey to the European powers, all have had their effect. While the experienced Indian member of the Services will admit the benefits of the British Raj and realise the difficulties in the way of complete self-government; while the member of a minority community, putting the safety of his community first, will stipulate for safeguards; and while the moderate may look askance at extremist methods which he will not openly denounce; all alike are in sympathy with the demand for equal status with the European and proclaim their belief in self-determination for India.

The Opportunity of the Future.

464. The British people, so long accustomed to self-government, are bound to sympathise with this movement, even though they may deplore some of its manifestations. We are pledged to help India along her way, and constructive effort is needed. It is the general tendency of nationalist movements to attract within their orbit people of very varied aims and methods. Until the demands of nationalism have been reasonably met, enthusiasts for various reforms make common cause with every discontented element, and attribute all the evils which they attack to the absence of self-government. In our view, the most formidable of the evils from which India is suffering have their roots in social and economic customs of long standing, which can only be remedied by the action of the Indian peoples themselves. They are much less likely to be remedied if the blame for their continuance can be put, however unreasonably, on others. We desire to see the forces of public opinion which exist in India concentrated and strengthened for the practical work of reform. It is only when the difficulties of constructive policy are really faced, that the inadequacy of general phrases begins to be realised.

We have now concluded our survey, and pass to our second volume containing our suggestions and recommendations.

All of which we submit for Your Majesty's gracious consideration.

JOHN SIMON, *Chairman.*
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London, 12*th May*, 1930.

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